

**ZB# 07-05**

**Deborah Menkens**

**52-1-79.1**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

- ① Denied additional horses.
- ② Approved Shed

4/9/07

07-05

Deborah Menkens (Area)  
1 Sean Ct. (52-1-79.1)



Menkens Hobby Horse Farm

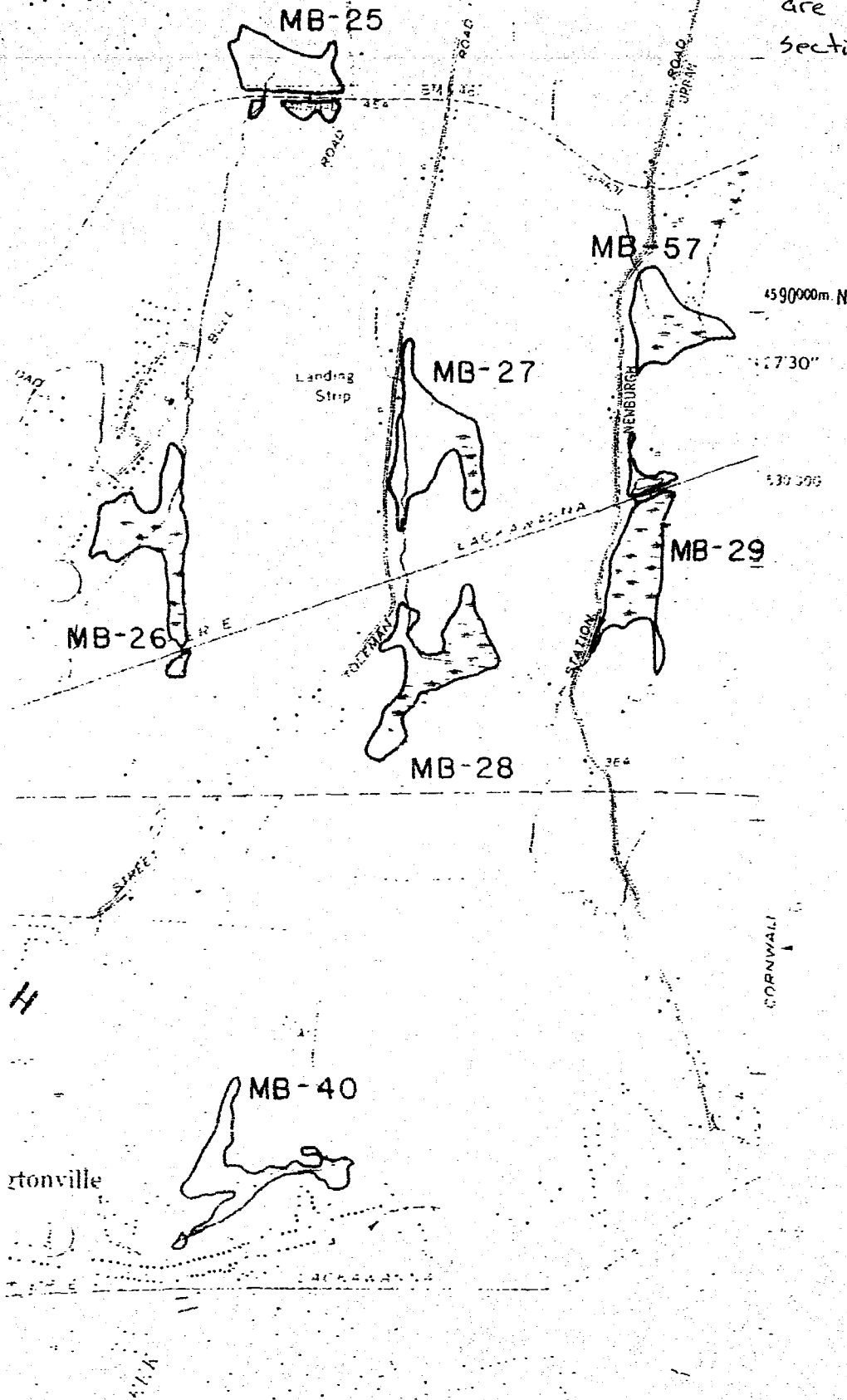
My G.I.S is  
Set up w/ 2002  
data. I do not  
have new parcel  
data, so I drew  
in the parcels to  
the best of my  
ability.





NYS DEC will regulate wetlands greater than 12.4 acres.

MB-14 This map shows all DEC Wetlands in your area. There are none listed in your section-Block-Lot.



# New York State Freshwater Wetlands Map

Orange County  
Map 13 of 26



This map was promulgated, pursuant to Article 24 of the Environmental Conservation Law (The Freshwater Wetlands Act) on March 25, 1987 by the Commissioner of New York State Department of Environmental Conservation.

## LEGEND

- Approximate wetland boundary
- Up and include
- Wetland identification code



# NEW YORK STATE HORSE HEALTH ASSURANCE PROGRAM

## OPERATION STATUS FORM

OPERATION: **MENKENS HOBBY HORSE FARM**

ADDRESS: **1 SEAN COURT**

CITY, STATE, ZIP: **ROCK TAVERN, NY 12575**

CONTACT PERSON: **DEBORAH MENKENS**

AREA CODE/PHONE NO. **845-496-3732** DATE: **11-22-06**

STATE REPRESENTATIVE: **DR. LYDA W. DENNEY** PHONE NO. **315-829-4282**

THE STATE REPRESENTATIVE USES THIS FORM TO RECORD THE APPROVAL OR DENIAL  
OF CERTIFICATION AT THE TIME OF AN INITIAL VISIT OR AN ANNUAL REVIEW VISIT.

### NEW CERTIFICATION

☒ APPROVED

☐ NOT APPROVED

### RENEWAL CERTIFICATION

☐ APPROVED

☐ NOT APPROVED

# NEW YORK STATE HORSE HEALTH ASSURANCE PROGRAM

## CERTIFICATION SELF STUDY FORM

**OPERATION:** **MENKENS HOBBY HORSE FARM**  
**ADDRESS:** **1 SEAN COURT**  
**CITY, STATE, ZIP:** **ROCK TAVERN, NY 12575**  
**CONTACT PERSON:** **DEBORAH MENKENS** **OPERATION TYPE:** **PRIVATE**  
**AREA CODE/PHONE NO.** **585-657-4455** **DATE:** **11-22-06**  
**STATE REPRESENTATIVE:** **LYDA WINSLOW DENNEY** **PHONE NO.:** **315-829-4282**

Use this form to evaluate your operation according to the standards outlined in the Standards & Certification Manual. The form should reflect the current status of your operation and all standards must receive a 100% score.

HERD HEALTH STDS QUES. 1-34	
STD #	Y/N
1.	Y
2.	NA
3.	Y
4.	NA
5.	"
6.	Y
7.	"
8.	NA
9.	Y
10.	"
11.	NA
12.	"
13.	"
14.	"
15.	Y

BIOSEC. STDS. QUES. 35-60	
STD #	Y/N
16.	Y
17.	"
18.	NA
19.	Y
20.	"
21.	"
22.	"
23.	"
24.	"
25.	"
26.	NA
27.	Y
28.	"
29.	"
30.	NA
31.	"
32.	"
33.	"
34.	"
35.	NA

ADMIN. STDS QUES. 61-76	
STD #	Y/N
36.	NA
37.	Y
38.	NA
39.	"
40.	NA
41.	"
42.	Y
43.	"
44.	NA
45.	"
46.	Y
47.	"
48.	"
49.	"
50.	"
51.	NA
52.	"

HOUSING STDS QUES. 77-86	
STD #	Y/N
53.	Y
54.	NA
55.	Y
56.	"
57.	"
58.	"
59.	"
60.	NA
61.	"
62.	Y

COMMODITIES STDS QUES. 87-93	
STD #	Y/N
63.	Y
64.	"
65.	"
66.	"
67.	"
68.	"
69.	"

MANURE HANDLING STDS - QUES. 94-95	
STD #	Y/N
70.	Y
71.	"

PASTURE MANAGEMENT STDS QUES. 96-97	
STD #	Y/N
72.	Y



# EXCLUSIVELY EQUINE

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## *Properties, LLC*

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To Whom It May Concern:

11/30/06

The value of the Menken property located on 1 Sean Court, New Windsor has not been decreased due to the installation of a horse facility. The neighboring properties have not been affected by the presence of horses in the neighborhood. The adjacent property also houses horses.

The property is located in an Ag district which is covered by the "Right to Farm" laws and is protected from frivolous lawsuits and complaints. The farm is a certified under the NYSHHAP which evaluates the care and maintenance of horses and the property.

Property value is based on the current sales of other similar houses in the area. A comparable property evaluation is calculated on the condition, location, style of the house based on existing sales of similar homes. A properly maintained horse farm does not bring the value of the neighborhood down.

Georgianna (Chip) Watson  
Licensed New York State Realtor

## ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT

225 Dolson Avenue, Suite 103, Middletown, NY 10940

PHONE: (845) 343-1873 FAX: (845) 344-1341

WEBSITE: [www.ocsoil.org](http://www.ocsoil.org)

[mike.maillet@ocsoil.org](mailto:mike.maillet@ocsoil.org)



Deb,

I will try to answer your questions to the best of my ability. As far as the flies go, this was a bad summer throughout New York State, but this is the best answer that I can give you.

There are so many different species of flies, and many people cannot tell them apart even if they had to. (Maybe an entomologist) All flies look for decaying organic matter to breed in. Hence the reasons why your neighbors believe you are the cause of the extremely high amount of flies. (Organic manure) The winter of 2005 into 2006 was a very mild winter. This allowed many flies and larva to survive when they usually were destroyed due to the extreme cold. I believe this to be problem number one. The second problem is that flies love to breed. Some can reproduce more than 10 times a year if conditions are right! Well, conditions were right. Spring was pretty wet and the summer was mildly warm therefore, bounties of flies were noticed. There are some things that favor the breeding of flies. Animal manure is one of the most attracting substances for flies. I could take you to a dairy barn in Orange County where the walls are covered in the summer. No matter what you do, a presence of flies will always be found in an area where manure is produced. Flies also like areas that are wet, again, this was a pretty wet year.

The culvert pipe that drains the water onto your property cannot be stopped. About the only thing you can do is persuade the water to go the direction you want it to on your property. What this means is that, if you have the elevation change (drop) from start to finish, you can create a swale that willow the water to stay inside the channel and not affect any existing management practices or structures that you have in place. There are guidelines to follow when building this type of permanent drainage practice. You and your neighbor will still have to deal with the water on each of your properties.

Building the ponds like you have on site will slow the movement of water down. If you appreciate the environment that these ponds create (wetland vegetation/aquatic critters) I would leave the ponds as are, or create more of them. Keep in mind that this will not solve the water issues. If you are interested in getting rid of the water as quickly as possible, you can again put it into a properly sized channel or swale and keep it moving on and off your property. This may be a good idea if neighbors continue to complain about water contamination. (Manure).

Pitching the soil on the outside of the fence is up to you. This may call for a cut in the toe of the soil away from the fence. You do not want to build the soil up next to the fence because this may cause more ponding. I would leave the soil the way it is, but continue thinking about that buffer in between your fence and the existing land.

I have also sent to you a report from our initial visit. There is a lot of information in the report regarding farming in New York State. I hope that it will be beneficial to you with your farm decisions.

Best Regards,  
Mike Maillet

### BOARD OF DIRECTORS

Gary Keeton  
394 Guymard Turnpike  
Middletown, NY  
10940

David Hulle  
28 Hulle Lane  
Middletown, NY  
10941

Michael R. Pillmeier  
334 Round Hill Road  
Florida, NY  
10921

John Wright  
325 Kings Hwy.  
Warwick, NY  
10990

Tom Pahucki  
111 Celery Ave  
New Hampton, NY  
10958

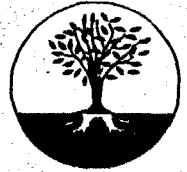
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WEBSITE: [www.ocsoil.org](http://www.ocsoil.org)

[mike.maillet@ocsoil.org](mailto:mike.maillet@ocsoil.org)



Hello Again Deb,

I'm glad to hear that you are working on improving the farm. I have been working on some maps here in the office, and will get them out to you today or tomorrow. Here are some answers to the questions you had asked. I hope that this helps.

The purpose of an agricultural district is to encourage the continued use of farmland for agricultural production. Article 25-AA of the Agriculture and Markets Law, authorizes the creation of local agricultural districts based on landowner initiative, preliminary county review, state certification, and county adoption. The Program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices. Your Horse Farm is located within the Orange County Agricultural District. The New York State Agriculture and Markets govern all Ag districts.

I have been speaking with Larry Larson about the farm plan or as we call it, the Conservation Plan. He has been pretty busy this fall. We will have to make an appointment with him to meet and go over a few things and talk more about this plan. So, I guess the first thing would be for you to pick a day, and we can go from there. I can talk to Larry or, I can give him your number and have him come in contact with you.

**Soil samples and testing-** The Cornell Cooperative Extension is located in the Community Campus at 1 Ashley Avenue Middletown, NY 10940. The phone number for the CCE is 344-1234. What you need to do is visit them at the office. Speak with the women at the front desk and let her know that you would like to pick up bags for soil sampling. Each sample costs \$10-\$15.00. All you will need to do is fill out the form that they give you, put the soil in the bag and mail to address given. You will receive the results shortly after. This is a pretty easy test to do.

**Water sampling and testing-** The Orange County Lab Analytical Services is located at 35 Goshen Turnpike, Bloomingburg NY 12721. The phone number for the lab is 733-1557. You can begin by calling them or visiting them at that address. Employees are very friendly. I can't remember exactly what the prices are for the testing. I'm pretty sure that you need to get sampling containers. They can give you better instructions on the testing procedures. I would begin by testing for Total Coliform, E. coli, Nitrate, pH, and lead. These items are a basic test that will give you a good idea about your water quality.

Best Regards,

Mike

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325 Kings Hwy.  
Warwick, NY  
10990

Tom Pahucki  
111 Celery Ave  
New Hampton, NY  
10958



**Orange County  
Agricultural Environmental Management (AEM)  
Program Team**

**AEM Tier 2 Summary Report  
MENKENS AEM PROJECT**

<b>Farm Name</b>	Menkens Hobby Horse Farm		
<b>Contact Name</b>	Deborah Menkens		
<b>Address</b>	1 Sean Court, Rock Tavern, NY 12575		
<b>Phone</b>	845-496-3732	914-805-5843	
<b>Evaluator</b>	Michael Maillet, District Technician	<b>Phone:</b> 845-343-1873 x 3	
<b>Date Prepared</b>	10/25/2006	<b>Date Delivered</b>	10/30/2006

**Watershed Site Evaluation-** Every waterbody in New York State has been classified according to its best use. Each use has a set of standards associated with it that limit the concentrations of various contaminants that can be present in water. A water quality problem exists where a classified use is negatively impacted. The effects can range from precluding a use to situations where a waterbody's best use is threatened. The primary pollutants that can result from land use activities within a watershed include nutrients, sediment, toxic substance, pathogens, oxygen demanding substances, and elevated water temperatures. In any given watershed there are a number of potential sources of these pollutants such as agricultural, forestry and construction activities; land disposal of waste; and modifications to streambanks or stream channels. In many areas of the state there are watershed management plans or aquifer/wellhead protection plans that identify pollutants of concern and land uses or activities that pose a potential risk to water quality. The topography and soil types found on your farm influence the type of farming you do, the inputs you need and your results. The type of farm activities you undertake, along with your farm's soils, topography, and location within a watershed, affect your farm's potential for pollution of ground and surface water. The Menkens Hobby Horse Farm is located in the Moodna Creek Watershed. The Moodna Creek drains east into the Hudson River, which eventually drains into the Atlantic Ocean. Land areas with a high potential for transporting pollutants to waterbodies are classified as **hydrologically sensitive areas**. There are two categories of hydrologically sensitive areas: those land areas that contribute surface water runoff to rivers, lakes and reservoirs (saturated soils and highly erodible land), and areas which contribute subsurface water flow to re-charge areas for significant aquifers (such as sinkholes and deep well-drained, permeable soils). The soils on the Menkens Hobby Horse Farm are considered hydrologically sensitive. There are two different soil types found. The first one ErA, is an Erie gravelly silt loam with a 0 to 3 percent slope. Soils in this category are known to be deep and poorly drained. A seasonal high water table becomes perched above a fragipan in the spring and other wet periods of the year. This soil is somewhat more difficult to drain than other sloping Erie soils. Using this soil for pasture is generally fair to good in quality. Grazing in wet periods compacts the soil and destroys desirable grasses. Rotation grazing, proper management, and restricted grazing in wet periods are needed to maintain pasture seedings.



The second soil type found on the Menkens Hobby Horse farm is MdB, a Mardin gravelly silt loam with a 3 to 8 percent slope. Mardin soils are known to be deep and moderately well drained. The water table in this Mardin soil is perched above the fragipan in early spring and other excessively wet periods. This soil is suitable for pasture although, it has the same tendencies of the Erie soil when it comes to management. Agricultural activities that are found in the hydrologically sensitive areas have the potential to negatively affect water quality. As of my visit on October 24, 2006, there are no water management practices such as tile drainage that outlet directly to a waterbody. Tile drainage could negatively affect water quality. There are areas that are seasonally flooded or saturated. On site, there are no highly erodible soils without erosion control practices. The areas on site are not impervious, the site is either being established by fall seeding or covered with a thick layer of mulch. The farm well is located within the hydrologically sensitive area. There are no sinkholes, depressions, fractured bedrock, or deep well-drained permeable soils. Management of horses on this farm must be done very efficiently.

**Agriculture and The Community-** Farming in all areas of the world has an impact on the economic, social, recreational, and environmental benefits to the community, town, and watershed it is located in. Orange County and the Town of New Windsor are undertaking efforts to preserve farmland and want to document the multiple public benefits of retaining a viable agricultural industry within the community. The Menkens Hobby Horse Farm is located nearby agricultural businesses, nonagricultural businesses, residential housing, and public buildings. Neighbor relations seem to be a concern in the small rural community. Farm operators pay close attention to the appearance of the farm and all the equipment as well as the management practices being implemented. The farm does not contain a conservation easement nor does it have a Conservation Nutrient Management Plan that is being followed at this time. There is an impact on the regional and local community's economy because of this farming operation. Local businesses are utilized on a day-to-day basis. I would feel safe to say that the farm is part of a desired viewshed that promotes tourism and adds to the quality of life in the community.

**Waste Disposal-** Numerous products such as pesticides, cleaners, solvents, oils, batteries, etc. are used on a farm daily. Not to mention the amount of manure that comes from a barn. Proper disposal of these items is necessary to ensure a clean and healthy drinking water supply, let alone irrigation water supply (if used). Improper disposal may be detrimental to surface and groundwater in addition to being illegal. Under normal conditions, small amounts of oil, and cleaners are sometimes spilled onto the farm property. Proper disposal practices must be used to minimize the potential for surface and groundwater contamination. Most farmers are aware of the risks associated with pesticide use, but may be unfamiliar with the side effects of other chemicals used around the farm. Proper disposal of waste products off the farm is necessary to ensure safe drinking water for farmstead as well as safe drinking water for others. Management practices on the Menkens Hobby Horse Farm seem to be up to speed. If a situation came up on the farm where a dead animal had to be disposed of, a rendering company would pick up the animal within 48 hours after the death. Manure is removed from the farm weekly, and will be talked about in greater detail later in the report. Any type of waste oil, grease, and antifreeze is immediately taken to a recycling facility. All plastic containers are triple rinsed and recycled. Old lead acid batteries are exchanged when the new batteries are purchased. There are no products on the farm causing problems such as veterinary/medical waste, fertilizer bags, plastic bale wrap/silage bags, or paints/solvents. The farm does not contain a dump, or a burning barrel that could cause controversy with the nearby neighbors.

**Water-Borne Pathogen Management-** *Giardia* and *Cryptosporidium parvum* are two protozoa parasites found in animal manure that can cause infection in humans. Bacteria such as *E. coli* 0157:H7, *Salmonella*, and *Campylobacter* are also found in manure and also have the potential to cause diarrhea and illness in humans. Infants, the elderly, and individuals with immune system deficiencies are at greatest risk for infection. Infection occurs from ingesting contaminated food or water. Poor hygiene practices while handling animals and drinking from a contaminated source are the major routes of infection. Unlike these protozoa and bacteria, intestinal viruses from animals do not generally infect humans. Viruses are considered to be host-specific and farm animals are not considered to be a source of infection for humans unless human sewage is present. Surface water supplies for drinking and recreation are considered to be most susceptible to contamination by protozoan and bacterial pathogens. Chlorination and other standard water treatments are effective in killing bacteria, but do not kill protozoa pathogens. Specific water filtration practices are required to remove *Giardia* cysts and *C. parvum* oocyst from water. Additionally many communities with filtration capabilities rely on unfiltered water sources as their back-up water supply. Poorly managed filtration operations can result in outbreaks of these parasites. On farms, manure from animals six months and younger are a likely source of *C. parvum* and *Giardia*. *C. parvum* is limited to animals less than 30 days old. *Giardia* has been detected primarily, but not exclusively, in animals younger than six months of age. Foals and young horses can shed *C. parvum* and *Giardia* even when they appear to be healthy. As a result, surface runoff from animal housing, turn out and exercise areas pose a potential risk to water supplies. On-farm pathogen management must focus on preventing fecal contamination of livestock feed and water, preventing gross contamination of surface water by manure, and protection of wellheads, sink holes and other direct links to ground water. A **three-barrier approach** should be employed to control pathogens on a farm. These practices may also benefit a farm with improved animal health and performance. The **first barrier** involves reducing the potential for pathogens to enter the farm from outside sources such as: the introduction of infected animals; the transportation of infected manure onto the farm on clothing, boots, or equipment; and pets, rodents, and other animals transporting contaminated manure from other farms. The **second barrier** is to minimize cross-contamination among animals on the farm. Pathogen movement and multiplication on the farm can be minimized by: keeping animal-raising areas clean; and ensuring that all feeds and feeding utensils are clean. The **third barrier** is to restrict movement of contaminated feces into nearby watercourses by: preventing runoff from housing, exercise lots, and manure storage areas; and spreading manure on no-hydrologically sensitive areas. On the Menkens Hobby Horse Farm, no manure from horses' 12 months of age and under is ever applied to hydrologically sensitive areas. Actually, all manure on the farm is removed and composted off site. If foaling stalls are needed, they will be stripped, disinfected and rested at least 2 weeks before re-used. The Menkens Hobby Horse Farm is participating in the NYS Horse Health Assurance Program. This program is a voluntary certification program designed to promote and to teach a proactive approach to equine health, care and welfare through the use of certain Management Practices and to recognize exceptionally managed equine operations. I would like to suggest that the farm begin testing non-chlorinated water supplies for coliform bacteria. Testing should be targeted for times during droughts or after extreme rainfall. Manure is not spread on land that will be used for pasturing or production of hay within six months after spreading. This will greatly reduce the chances of infection from protozoa and bacteria. The barn on site is well ventilated and cleaned daily. Feed and waterers are also cleaned regularly, again reducing the chances of infection and eliminating all possible environments. One other aspect that I would like to report on is livestock manure concentrated holding areas. Livestock waste contains high levels of nitrogen, phosphorus, sediments, degradable organic materials and microbes.

When livestock waste is concentrated the danger of pollutants reaching surface water or groundwater increases. Odors from poorly designed and managed holding areas can also be a cause of problems with neighbors. I recommend that all manure-holding areas on site be covered to keep odors down and stormwater out.

**Manure Management for Horses-** Manure is a mixture of feces, urine, and bedding. The average 1000 lb. horse produces about forty-five pounds of feces and urine a day, or about eight tons a year. If used properly, horse manure is an excellent crop nutrient source and soil conditioner. If not used properly, the pathogens, nutrients, and organic matter contained in it can contribute to the pollution of surface and groundwater, possibly including your own water supply. Bacterial and protozoan pathogens in manure can pose a human health risk when found in drinking water supplies as talked about before. Nitrates from manure can leach into groundwater, creating potential human and animal health risks. Nitrates and phosphorus can also reach surface waters stimulating undesirable algae and plant growth. This process called eutrophication, consequently damages recreational and drinking water uses. The decay of this additional organic matter will rob a stream or lake of the oxygen needed to maintain desirable aquatic life. The risks of pollution of ground and surface water increases when horse manure is stored in an inappropriate location or poorly designed, constructed or managed site. Properly located, designed, and constructed storage sites can minimize risks associated with stored manure. The land spreading of manure is practiced on many horse farms in New York State. This method of manure management poses a level of potential risk. Manure nutrients, sediment, and pathogens can move from where they are applied and impact water quality. Risks can be reduced by following management techniques, such as, applying manure according to crop needs, adhering to setbacks from waterbodies and wells, and not applying manure to saturated or frozen ground. Manure management on the Menkens Hobby Horse Farm is stored in a location and regularly hauled off the farm. Some recommendations that I would like to make begin with the properly designed storage structure. The USDA NRCS (United States Department of Agriculture Natural Resources Conservation Service) has a set of standards that should be followed when dealing with manure storage. This structure should be designed and sized for the specific operation. ([www.nrcs.usda.gov](http://www.nrcs.usda.gov)) The other recommendation that I would like to make is having the manure tested every other year for nutrient content. This would be subject to owner discretion or a suggestion for the receiver of the manure. I suggest that the defecation area of your pastures continue to be cleaned of manure, and that all fence lines contain a vegetative buffer to catch all nutrient leaching that is occurring.

**Outdoor Paddock and Arena Management-** Paddocks, or turn out areas, are small fenced areas that have little vegetative growth and high concentrations of manure. The soils in these heavily used areas tend to be compacted, allowing for more runoff and less infiltration of water. Outdoor arenas may have areas that impermeable and are often drained to allow use in wetter times of the year. Both paddocks and outdoor arenas that are located close to a watercourse or road ditch have potential to discharge sediment, manure and other contaminants to surface water. There is potential to affect ground water if: Paddocks are located on coarse-textured permeable soils; The water table is at or near the surface; bedrock is within a few feet of the surface; polluted runoff from the paddock flows directly onto permeable soils or bedrock. In the case of the Menkens Hobby Horse Farm, permeable soils do not cause an issue for runoff and increased infiltration. One of the negative aspects with the farming soil is that, the water table is perched above the fragipan during the spring and other wet periods of the year. As of right now, vegetation is spotty on the paddocks due to the fact that it was recently fall seeded.

A lot of the area is covered with a layer of mulch for protection. Seeding will be completed into these areas during this coming spring. Manure is regularly cleaned up and removed to storage from the paddocks. This will reduce the chances of polluting surface or ground water. All clean roof water is going to be collected and stored in rain barrels. This will reduce the amount of sheet flow occurring in the paddocks. I suggest that a vegetated buffer be maintained outside the paddock fence area to help contain and absorb nutrients that may be in the runoff. Along with keeping vegetation maintained on the outside of the paddocks, vegetation must be maintained on the inside of the fence. The main idea is to keep the paddocks 100 percent vegetated from proper rotational grazing. Keeping vegetation maintained on all of the paddocks is a dream for all horse owners, reaching that goal can be a very tedious task.

**Farmstead Water Supply Evaluation-** The condition of your well or spring and its proximity to sources of contamination determine the risk it poses to the water you drink. For example, a cracked well casing allows pathogens, nitrates, oil and pesticides to enter the well more easily. Spilling pesticides near a well while mixing or loading can result in the contamination of your family and your neighbors' drinking water supplies. Feedlots, barnyards and septic systems are potential sources of pathogens and nitrates. Fertilizer applications and waste storage areas can also be sources of nitrates. Both pathogens and nitrates pose serious health hazards if they get into drinking water supplies. Preventing well water and spring development contamination should be priority concern on the farm. Once the groundwater that supplies your well or spring is contaminated, it can be very difficult to clean up. The only options may be to treat the water, drill a new well, or obtain water from another source. If contamination affects your or your neighbors' wells, you may be responsible for clean up costs. New wells should be developed according to standards set by the New York State Department of Health (NYSDOH) and detailed in the publication "Rural Water Supply." Contact the County Health Department to obtain a copy of this publication. The water supply on the Menkens Hobby Horse Farm is a drilled well that is less than 20 year old. This supply is less prone to pollution than one that is over 80 years old. There are a couple factors relating to the soil on site that could possibly effect groundwater pollution. Having the water table perched above the fragipan during the spring and wet periods causes some worries when it comes to groundwater pollution. To minimize the potential for pollution entering the well, it is a good recommendation to have: the casing depth at least 30 feet below water level in a well or 5 feet below pumping level, whichever is deeper; have casing more than 12 inches above ground; casing surrounded at the ground surface by a 4 inch concrete slab extending at least 2 feet in all directions and sloping away from the casing; grouting around casing to a depth of at least 20 feet. I would suggest that the water from the well be tested at least twice each year for the presence of bacteria and nitrates.



Cornell University  
Cooperative Extension  
Orange County

Community Campus  
1 Ashley Avenue  
Middletown, NY 10940-1912  
Tel: 845 344-1234  
Fax: 845 343-7471  
E-mail: [orange@cornell.edu](mailto:orange@cornell.edu)  
[www.cce.cornell.edu/orange](http://www.cce.cornell.edu/orange)

February 21, 2007

Deborah Menkens  
Menkens' Hobby Horse Farm  
1 Sean Court  
Rock Tavern NY 12575-5135

Dear Mrs. Menkens:

I enjoyed my visit to your stables. I feel that you are off to a great start. You have paid particular attention to creating sacrifice lots as well as grazing paddocks for your horses. Using composting manures for fertilization of your grazing fields will continue your conscious effort to protect water sources on and near your property. Further removal and disposal of the fecal matter that exceeds your composting facilities capacity was discussed and as we spoke, I was confident that you had already arranged this with another party.

I wish you well in your endeavors. If I can be of assistance to you in the future, please do not hesitate to call our office in Middletown.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Reith".

Audrey Reith  
Equine and Livestock Educator

April 28, 2008

Letter and supporting documentation in opposition to granting Deborah and Lawrence Menkins a variance from setback requirements for the keeping of horses and in opposition to their request to keep a third horse on their property.

Peter F. and Joan C. Kean  
1 Brittany Terrace  
New Windsor, NY  
Adjacent property owners

We wish to advise the Zoning Board that we did not receive notification of this public hearing nor did we receive notification of the April 9, 2007 — public hearing. Since that last hearing, two of the objecting neighbors have moved and the third now has their house up for sale. Had we been notified of the previous meeting, we might have helped to prevent the upheaval of three families.

We read with interest the minutes of the last public meeting and the minutes of the March 10, 2008 Menkins Preliminary Hearing. Much of our presentation contradicts statements made by Deborah Menkins.

- A. Excerpt from the November 6, 2007 New Windsor 2007 Comprehensive Plan Update (Draft), Town of New Windsor, Orange County, NY

Section X.A.6.

"The Town Board is ultimately responsible for the implementation of this Plan. However, the key to successful implementation is the cooperation and coordination of the various Town boards and agencies responsible for land use decisions."

"6. Agriculture

Revisit current regulations relating to housing and maintaining horses in the Town's Zoning Code to assure adequate space, buffering and the well being of animals. Land requirements should incrementally increase on a sliding scale based on the number of horses."

The appropriate section is included as Reference A.

Suggestion

In view of the public safety and health issues involved and in consideration of the Comprehensive Plan recommendations, a moratorium on applications for ZBA variance approvals for the keeping of horses should be established. Perhaps the ZBA could seek input from the Town Board and Town Attorney.

- B. Deborah Menkins appeared before this Board on August 28, 2006 requesting a set-back variance for the keeping of horses. At that meeting we provided a scaled drawing and supporting letter prepared by William B. Hildreth Land Surveying, P.C. The scaled drawing, letter, and map are included as Reference B. ✓
- C. There are substantial differences in northern property line 'set-back distances claimed by Menkins and those documented by maps of the American Telephone and Telegraph Company as well as those of the New York, Ontario and Western Railroad whose property now belongs to Kean.

Menkins mistakenly claims a Northern boundary 12 to 15 feet beyond the actual boundary line, and she has caused to be obliterated a railroad installed wire mesh fence and posts that had been in place for close to one hundred years. Furthermore, she has installed a green plastic mesh fence, numerous high visibility ribbon markers and a string line where she believes the property line to be. She also placed numerous paper signs along her assumed boundaries stating "No photographs allowed without permission of the Menkins".

5

Reference C is a photograph of an AT&T transcontinental cable marker. Included is an AT&T map showing the location of the cable marker and the (now) Kean property line, as well as some photographs of the cable marker, the Kean property line, and a plastic fabric and string marker placed by Menkins on Kean property. Approximate dimensions of trespass are given on the pictures.

- D. On September 18 2006 we mailed Menkins two duplicate letters. One sent Certified Mail and the other regular mail with a Certificate of Mailing from the USPO. The Certified letter was returned to us as "Unclaimed" after three attempted deliveries over a period of two weeks.

The letter advises Menkins that they are trespassing on land owned by us and requests that they cease their trespass activity. Copies of the receipts, unopened Certified letter envelope, and the letter are included as Reference D.

- E. Reference E are photographs of the Menkins stable driveway off of Sean Drive. The sign clearly indicates a commercial enterprise and does so in a location that is not visible from a town road.

- F. Quoting the Zoning Code R-1 bulk use regulations:

"5 Acre minimum lot size

The following commercial agricultural operations and accessory uses thereto, provided that there shall be no stable or similar animal housing nor stage of manure or other odor or dust-producing substance or use, except spraying and dusting to protect vegetation, within 50 feet of any lot line."

Reference F are photographs of the area Menkins uses for spreading manure. This area is also marked on the Reference A scaled setback map. Also included is the appropriate bulk use page.

Present accessory uses allows the keeping of two horses provided the animals are kept 75 feet from any lot line. The use clause makes no mention of the spreading of horse feces and urine closer than 50 feet from a lot line as would seem to be demanded by health and odor requirements as an accessory use. As a point of interest, the average 1,000 pound horse generates about 45 pounds of feces and urine a day - or 8 tons a year per horse. 3 horses = 24 tons or 48,000 pounds a year.



- G. The Menkins water well is now in violation of New York's Public Health Law 206(18) Table 1 "Required Minimum Separation Distances to Protect Water Wells from Contamination" as their well is located within the area where the horses are kept.

All field dropped and spread manure and urine washes into a stream on Kean property which is less than 100 feet from the property line. It then flows into a very clean private lake. We are concerned about nutrient loading to the lake and its resultant plant, weed, and algae growth as well as pathogens and parasites.

Reference F contains the cover page of the New York water well standards and the table required minimum separation distances for well location.

- H. Reference H contains various information on manure management and "Herd Bound" horses. A herd bound horse can be easily rehabilitated. All it requires is diligence, patience, and continuing effort. Also enclosed also is a chart of 'problematic' manure disposal techniques.

We respectfully ask that the Menkins application for a setback modification and permission to add a third horse be denied.



Peter F. Kean



Joan C. Kean

## **X. PLAN IMPLEMENTATION**

This section includes a description and prioritization of the specific actions items that the Town should take to implement the Plan. An incremental approach to the Plan's implementation is most appropriate as the availability of staff, funding, and other resources will be important.

The Town Board is ultimately responsible for implementation of this Plan. However, the key to successful implementation is the cooperation and coordination of the various Town boards and agencies responsible for land use decisions.

The Comprehensive Plan should be understood as a "living document"; a document that will need to be updated and adjusted from time to time to reflect the current needs and conditions of the Town. Because of this the Town Board should monitor the successful implementation of the Plan, by reviewing strategies on an annual basis.

Prior to the adoption of the Plan the SEQR process will be completed by the Town Board. This process consists of drafting and adopting a Generic Environmental Impact Statement (GEIS) for the Plan.

Detailed descriptions of each of the following key implementation items can be found in each of the corresponding sections of the Plan.

### **A. High Priority Implementation Items**

These implementation action items should be initiated within 1 year of the adoption of the Plan.

#### **1. Population, Housing, & Residential Development**

- Develop appropriate development standards for each type of senior housing in the Town's ordinance.
- Establish a committee of senior citizens to keep abreast of the latest trends in senior housing by identifying and investigating successful endeavors of other municipalities.

#### **2. Economic Development**

- Develop a plan and zoning framework for the utilization of the 400+/- acre tract of land adjacent to Stewart Airport that is not part of the Stewart State Forest.
- Develop public-private development relationships with major private landholders along River Road and the Hudson River in an effort to redevelop areas of the waterfront for public uses including commercial (retail, office, restaurant, entertainment, etc.), recreational, and mixed-use residential.

### **3. Natural Resources**

- Adopt a watershed protection law and overlay zone delineated by the boundaries of the drainage areas of Brown's Pond (Silver Stream Reservoir) and Lake Washington and generally within 100 feet of the banks of ponds, creeks and streams in the Town.
- Adopt aquifer protection regulations.
- Adopt environmental protection laws that protect all streams/creeks, waterbodies, wetlands and floodplains in the Town.
- Establish a permitting process for activities that occur within stream, wetland, and floodplain protection buffers.
- Implement a steep slopes ordinance to regulate development on slopes greater than or equal to 15 percent for all properties in the Town.
- Draft and adopt a tree preservation law to help protect the Town's woodland character.

### **4. Transportation**

- Perform a traffic and pedestrian safety analysis of the Five Corners Intersection. Provide crosswalks at the Intersection.
- Pursue a connection of Routes 300 and 94 by establishing a bypass around the Five Corners Intersection. Pursue similar proposal where opportunity exists.
- Create highway improvement overlay zones along:
  - Route 300 and Route 207 from the five corners intersection to and including Drury Lane (Route 747).
  - Route 94, from the five corners intersection a short distance southwest to the Thruway overpass.
  - Route 94, from the five corners intersection to the Newburgh City line.
  - Route 32, from the five corners intersection to the Newburgh City line.
- Identify areas within the Town where traffic calming is appropriate due to excessive speed, congestion or high levels of pedestrian activity. Design and implement traffic calming techniques.
- Reduce speed limits where appropriate. For the most part, this will require coordination with County and NYSDOT.

## **5. Parks, Recreation, & Historic Resources**

- Draft and adopt a local historic preservation law to assure the protection of several key historic corridors and homes of distinction. Historic preservation overlay zones should be created along:
  - Northern portion of Route 300 within the existing PI and R-4 zones.
  - Jackson Avenue.
  - Quassaick Avenue.
  - Forge Hill Road.
- Establish a landmark or historic preservation commission or architectural review committee to administer historic preservation regulations; alternatively, the Planning Board could function in the same capacity if given the authority.

## **6. Agriculture**

- Revisit current regulations relating to housing and maintaining horses in the Town's Zoning Code to assure adequate space, buffering and the well being of animals.

## **7. Land Use & Zoning**

Review and revise the Town Zoning Code to achieve the following objectives:

- Assure that project reviews in front of the Town Planning Board have the benefit of full review by professional consultants including a planner, engineer, and landscape architect at a minimum.
- Eliminate the higher density residential area west of Beaver Dam Lake (currently zoned R-3) and convert to a lower density consistent with the area's surrounding Rural Residential (R-1) zoning.
- Eliminate a portion of the higher density residential area directly west of Brown's Pond (currently zoned R-3) and convert to a lower density consistent with the area's surrounding Rural Residential (R-1 and R-2) zoning.
- Eliminate the Office and Light Industrial (OLI) Zone along Route 207 east of Station Rd. and create a new Office Residential (OR) district. This new zone should permit offices in residential structures on lots fronting Route 207. New development should be consistent with the area's existing character and surroundings.
- Rezone the 400+/- acre tract of land adjacent to Stewart Airport (east and west of Drury Lane) from AP to Airport and Planned Development. This new zone should permit airport related development such as hotels, conference centers, and medical, educational, and high end research and office space in a campus like

LANDS OF KEAN

PROPERTY LINE

WOOD FENCE

LANDS OF DECKER

F FOSSUM

LANDS OF MENKENS  
SEC 52 BLK 1 LOT 79.1

WELL

PERMITTED

EXISTING

MANURE

RIGHT OF WAY LINE

PROPERTY LINE

SEAN COURT

±25'

±25'

75'

75'

±25'

25±

8±

8±

**William B. Hildreth**  
**Land Surveying, P.C.**

407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550  
TEL: (845) 566-6650

LAND SURVEYS  
SUBDIVISIONS

SITE PLANNING  
LOCATION SURVEYS

28 August 2006

Brittany Terrace Mobile Home Park  
1 Brittany Terrace  
Station Road  
Rock Tavern, New York  
12575

Attention: Mr. Peter Kean

Subject: Adjoining Lands of Menkens

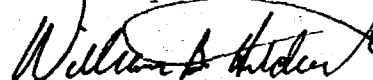
Dear Mr. Kean,

Pursuant to your request, this office performed a field survey on 24 August 2006 for the purpose of locating a wood fence and two drainage culverts on the vicinity of the common boundary between your lands (Sec 52 Blk 1 Lot 18) and lands of Menkens (Sec 52 Blk 1 Lot 79.1). Property corner monumentation for the Foxwood Enterprises Subdivision, consisting of iron rods, was also located during the field survey.

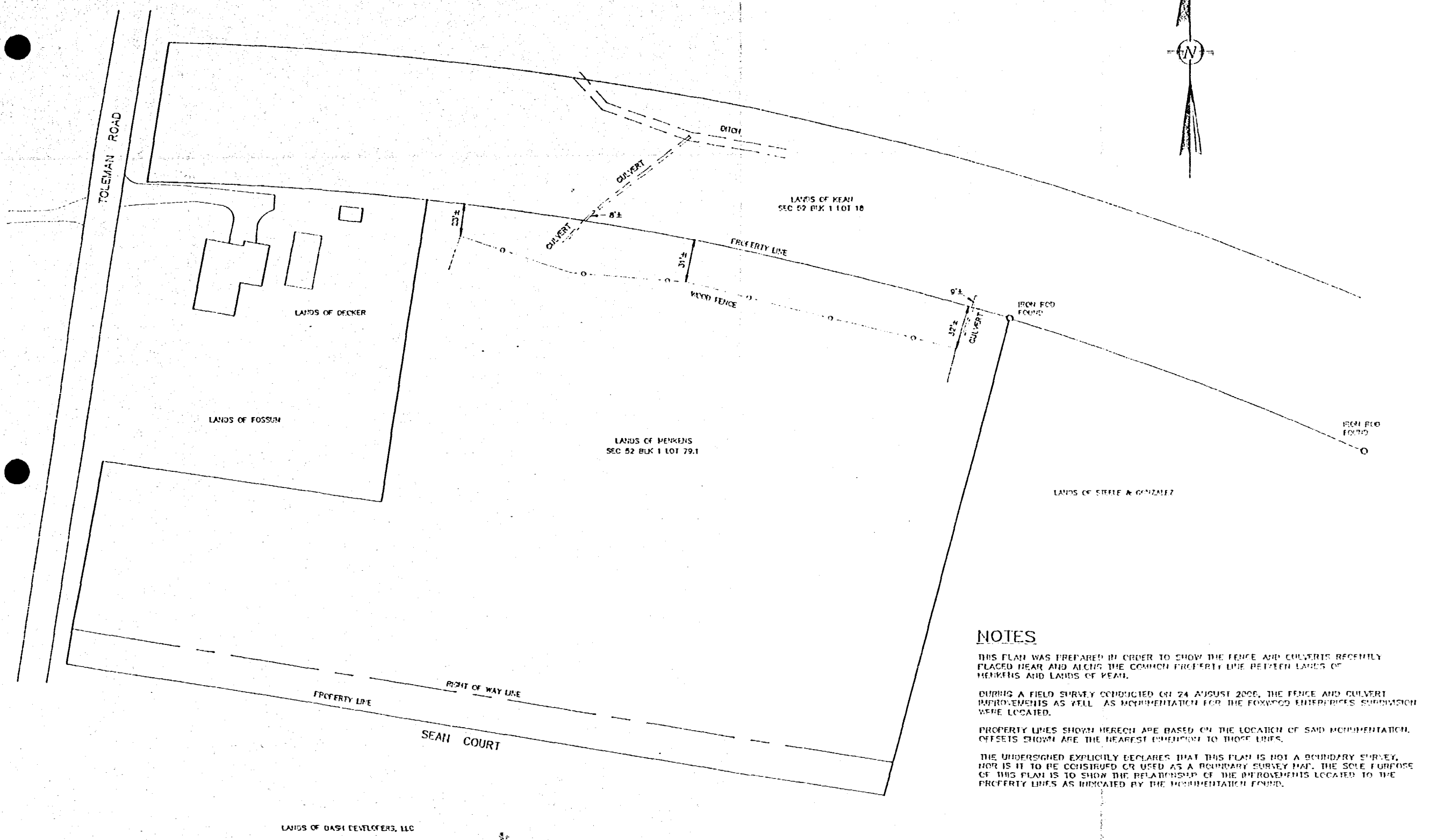
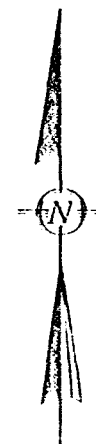
The attached plan, dated 25 August 2006, shows the relationship between the improvements located and the property lines as indicated by the monumentation found. The dimensions indicated are the nearest offset distance to the property lines.

Although this plan is not the result of a complete perimeter boundary survey, nor should it be construed as a Boundary Survey Map, it is my opinion that it correctly depicts the relationship between the improvements located and the nearest property lines. The fence is 23', more or less, south of the property line at its westerly corner; 32', more or less, south of the property line at its easterly corner and 31', more or less, south of the property line approximately midway between fence corners. The discharge end of the most westerly culvert is 8', more or less, north of the property line and the most easterly culvert discharge end is 9', more or less, north of the property line.

Sincerely,



William B. Hildreth, L.S.



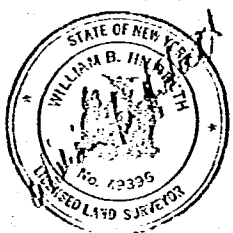
**NOTES**

THIS PLAN WAS PREPARED IN ORDER TO SHOW THE FENCE AND CULVERTS RECENTLY PLACED NEAR AND ALONG THE COMMON PROPERTY LINE BETWEEN LANDS OF MENKENS AND LANDS OF KEAN.

DURING A FIELD SURVEY CONDUCTED ON 24 AUGUST 2006, THE FENCE AND CULVERT IMPROVEMENTS AS WELL AS MONUMENTATION FOR THE FOXWOOD ENTERPRISES SUBDIVISION WERE LOCATED.

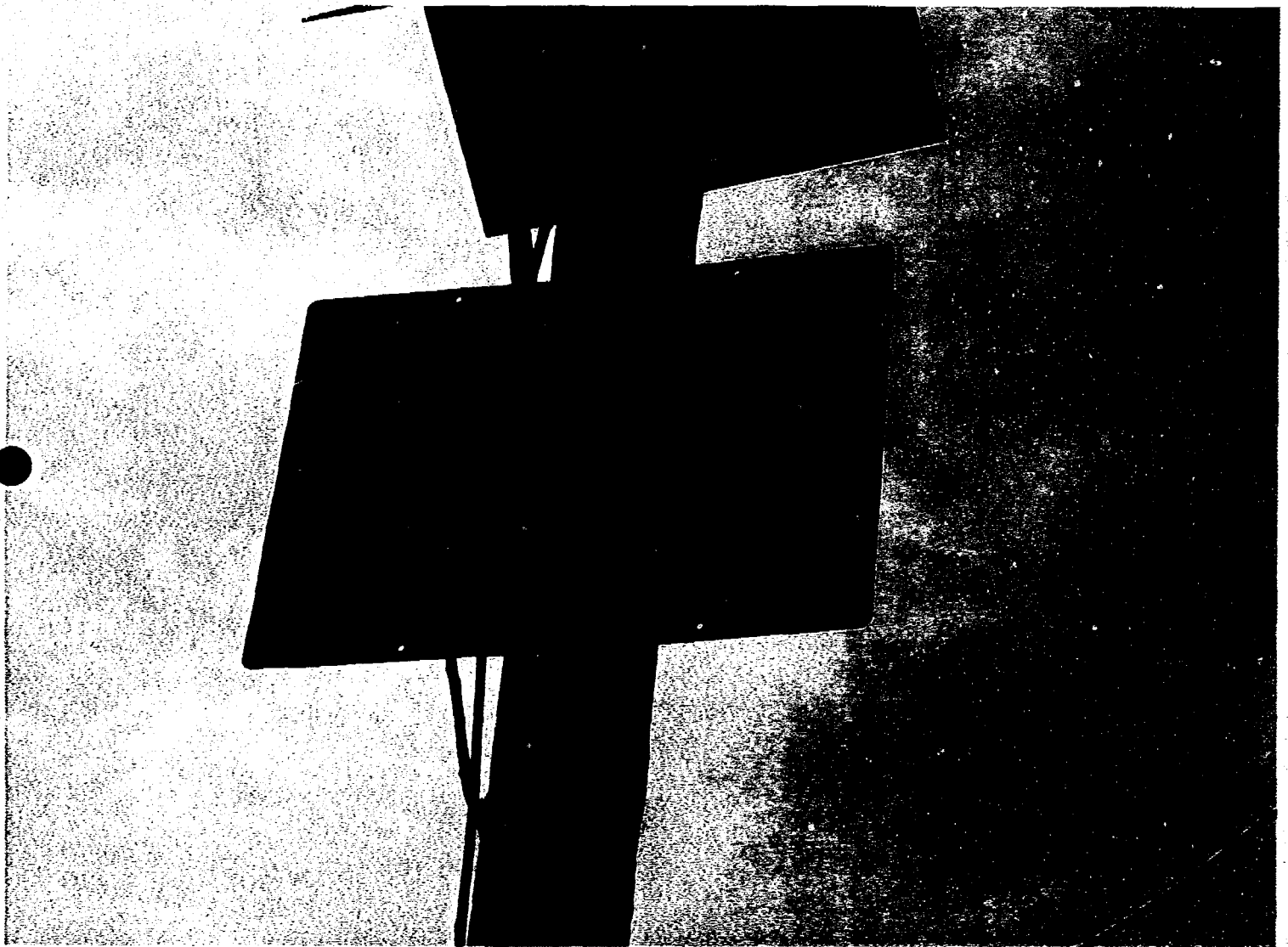
PROPERTY LINES SHOWN HEREON ARE BASED ON THE LOCATION OF SAID MONUMENTATION. OFFSETS SHOWN ARE THE NEAREST PERPENDICULAR TO THOSE LINES.

THE UNDERSIGNED EXPLICITLY DECLARES THAT THIS PLAN IS NOT A BOUNDARY SURVEY, NOR IS IT TO BE CONSTRUED OR USED AS A BOUNDARY SURVEY MAP. THE SOLE PURPOSE OF THIS PLAN IS TO SHOW THE RELATIONSHIP OF THE IMPROVEMENTS LOCATED TO THE PROPERTY LINES AS INDICATED BY THE MONUMENTATION FOUND.



<b>William B. Hildreth</b> Land Surveying, P.C. 107 SPURD PLAZA ROAD UNIT 2, FARMINGDALE, N.Y. 11735 TEL: (645) 565-8833	
REVISIONS: ACADSK12006	
DATE	DESCRIPTION

JOB NO: 84-071	
TOWN OF NEW BRISBANE ORANGE COUNTY NEW YORK	
BRITTANY TERRACE MOBILE HOME PARK	
FENCE LINE / CULVERT LOCATION PLAN	
Drawn by	
Checked	
Scale: 1"=50'	
Date: 25 AUG 2006	





3 1/2" I.D. IRON PIPE

3 1/2" I.D. IRON PIPE

LEAD SHEATH

COPPER JACKET

THERMOPLASTIC PROTECTION

CA 1267 CABLE CONTAINING

1.89"

2.46"

3.5"

4.0"

1 CA 1267 CABLE CONTAINING  
8 COAXIALS, 10 QUADS OF  
19 GAUGE AND 8 COND-  
UCTORS OF 19 GAUGE, HIGH  
DIELECTRIC STRENGTH  
THERMOPLASTIC COPPER  
PROTECTED.

SCALE'S

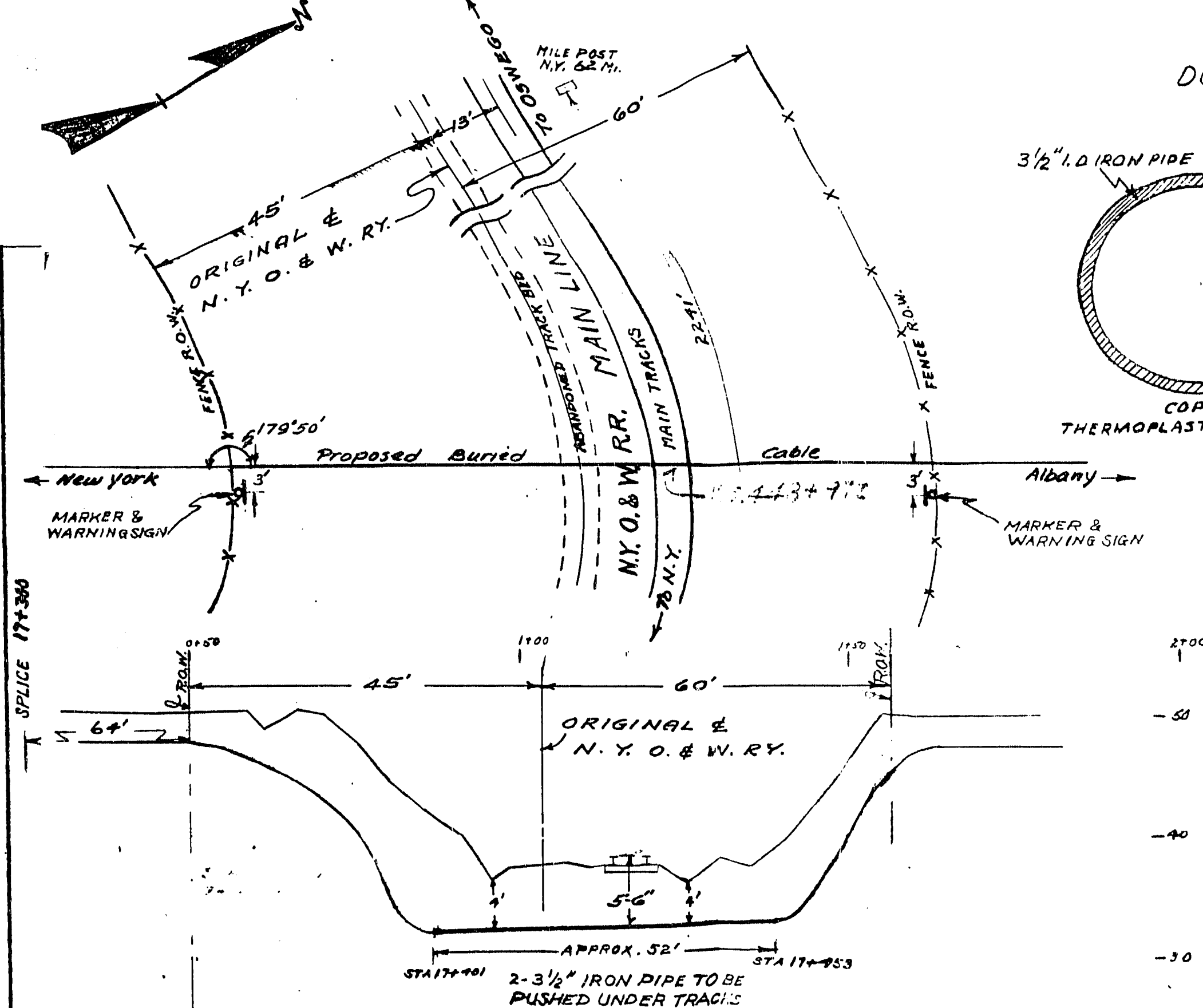
PROFILE.	PLAN.
1"=20' HOR.	1"=20'
1"=10' VERT.	

STATION 17+300 TO 17+401 & 17+453 TO 17+514  
TRENCH BY HAND.  
STATION 17+401 TO 17+453 INSTALL 52 FT OF  
2-3 1/2" I.P.

NEW YORK-ALBANY "F" BURIED CABLE.  
N. Y. O. & W. R. R.  
PROPOSED BURIED CABLE CROSSING  
OF THE MAIN LINE BY THE  
AMERICAN TELEPHONE & TELEGRAPH CO.  
2241' EAST OF MILE POST NY 62 M. IN  
THE TOWN OF NEW WINDSOR COUNTY OF  
ORANGE STATE OF NEW YORK.

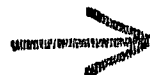
AMERICAN TEL. & TEL. CO.  
LONG LINES PLANT DEPT. DIV. NO. 1

D/-





14'





**PETER F. KEAN AND JOAN S. KEAN  
1 BRITTANY TERRACE  
ROCK TAVERN, NY 12575**

**Certified Mail: 7004 0750 0000 0761 0885**

September 18, 2006

Lawrence Menkens  
Deborah Menkens  
1 Sean Court  
Rock Tavern, NY 12575

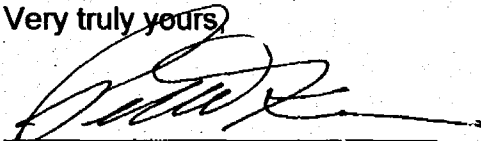
Dear Mr. and Mrs. Menkens:

As you know, we own property immediately adjoining yours to the north which is also known as the former O & W Lines, Inc. property. Based upon our personal knowledge and observation as well as that of representatives of the professional land surveyor we have retained, you, or persons acting on your behalf, have trespassed on our lands.

Your trespass has included the following activities: filling in of an existing swale, altering the pre-existing discharge of storm water by developing one or more points of discharge causing erosion and the probability of pollution, installing buried pipes of approximately 16" of diameter size discharging flow from your lands onto our land, the probability of introducing a flow of water containing animal wastes from your property onto our property, introducing the same into an existing pond we use, as do others, for recreational purposes including bass fishing. The foregoing list is not intended to be inclusive; we have retained professionals to investigate this matter further.

This letter is intended to advise you of the fact that we intend to seek redress against you for your continuing trespass and to strongly suggest to you that you take immediate steps to cease and desist the trespass, in particular those activities which introduce storm water runoff at a point of discharge which was not present before your activities and those activities which introduce pollution in the form of animal waste into the existing water courses and pond.

Very truly yours,



PETER F. KEAN



JOAN S. KEAN

cc: James R. Loeb, Esq.

Second original copy to Menkens via First Class Mail

7004 0750 0000 0761 0885

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64

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SEP 1 2006  
SALISBURY MILLS NY 12575  
USPS

Sent To: Deborah Lawrence Menkens  
Street, Apt. No. or PO Box No. 1 Sean Ct  
City, State, ZIP+4 Rock Tavern, NY

PS Form 3806 June 2002 See inside for instructions

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
Peter and Joan Kean  
One Brittany Terr  
Rock Tavern NY 12575

One piece of ordinary mail addressed to:  
Lawrence & Deborah Menkens  
1 Sean Court  
Rock Tavern, NY 12575

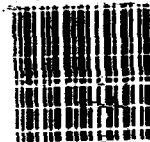
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SEP 1 2006  
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PS Form 3817, January 2001

eter and Joan Kean  
ne Brittany Terrace  
ock Tavern, NY 12575-5105



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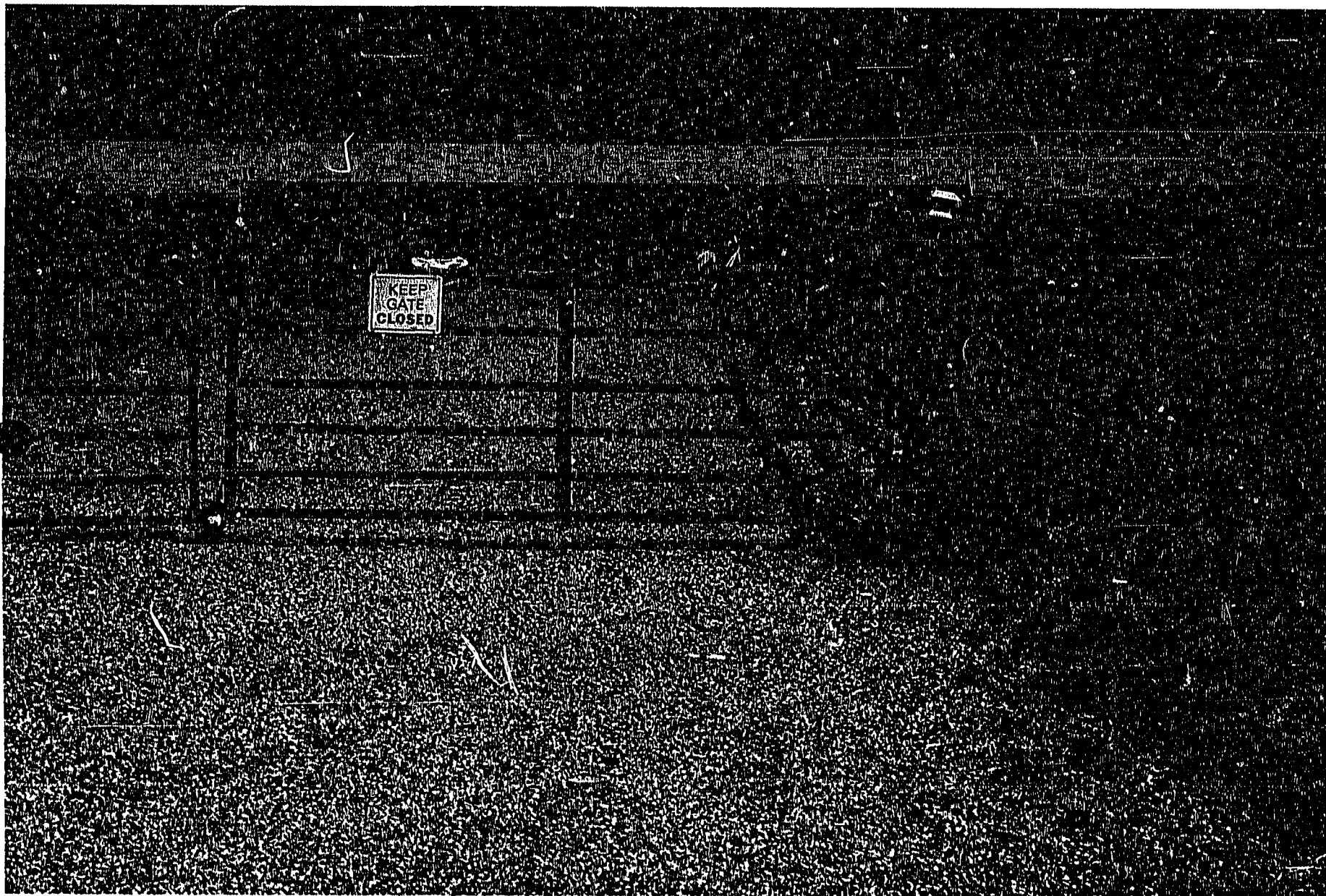
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SEVENTH OFFICE  
6149  
EIGHTH OFFICE  
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NINTH OFFICE  
6149  
TENTH OFFICE

Lawrence and Deborah Menkens  
1 Sean Court  
Rock Tavern, NY 12575

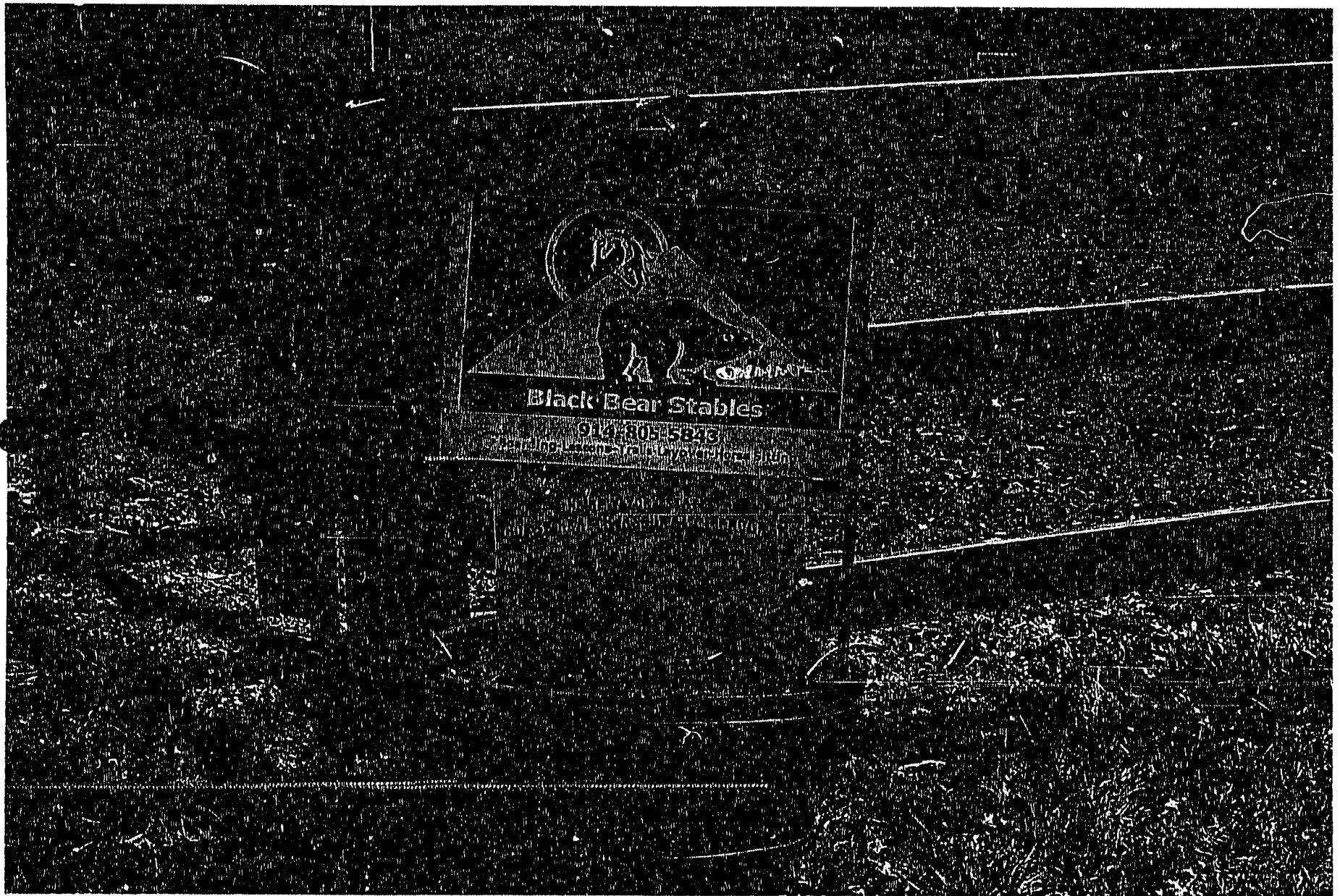


- ☐ MOVED, LEFT NO ADDRESS
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED
- ☐ NO SUCH STREET
- ☐ NO SUCH NUMBER
- ☐ INSUFFICIENT /
- ☐ NOT DELIVERED
- ☐ ADDRESSING ERROR















# ZONING

## 300 Attachment 1

### Table of Use/Bulk Regulations Rural Residential (R-1) Town of New Windsor

[Added 3-5-1986 by L.L. No. 1-1986; amended 4-7-1999 by L.L. No. 2-1999; 10-3-2001 by L.L. No. 4-2001;  
7-3-2002 by L.L. No. 5-2002; 5-5-2004 by L.L. No. 1-2004; 4-4-2007 by L.L. No. 3-2007; 4-4-2007 by L.L. No. 4-2007]

	A	B	C	D	E	F	G	H	I	J	K	L
	Uses Permitted by Right	Uses by Special Permit of the Planning Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/ Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Developmental Coverage (percentage)
1	The following commercial agriculture operations and accessory uses thereto, provided that there shall be no stable or similar animal housing nor storage of manure or other odor- or dust- producing substance or use, except spraying and dusting to protect vegetation, within 50 feet of any lot line:	1. Annual membership clubs providing outdoor recreation facilities subject to § 300-19. <sup>1</sup>	5 acres									
1(a)	Raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries.		20 acres	200	100	50/100	50	50	40	N/A	N/A	20
1(b)	Boarding, breeding and raising of cattle (including dairies), sheep, goats, pigs and horses and rental of horses.											
1(c)	Boarding, breeding and raising of fowl on lots of 5 acres or more.											
2	Buildings, structures and uses owned and operated by the Town of New Windsor.											

## Appendix 5-B: Standards for Water Wells

### (Statutory Authority: Public Health Law 206(18))

#### Sec.

- 5-B.1 Application and Definitions
- 5-B.2 Water Well Location and Protection
- 5-B.3 Water Well Construction
- 5-B.4 Well Yield and Water Flow
- 5-B.5 Water Well Pumps: Construction, Installation, Repair and Maintenance
- 5-B.6 Water Well Capping and Abandonment
- 5-B.7 Separability

Table 1 Required Minimum Separation Distances to Protect Water Wells From Contamination

Table 2 Standards for Well Casing, Grouting, Diameter, and Screens

#### Section 5-B.1 Application and Definitions.

##### a. Applicability

1. This regulation applies to water wells used for drinking, culinary and/or food processing purposes and is the minimum standard for construction, renovation, development and abandonment of such water wells. Additional requirements may need to be met for certain water wells that serve a public water system as defined in Subpart 5-1 of this Title.
2. Installation of new and replacement water wells shall meet all of the applicable provisions of this Appendix. Deviations may only be allowed at the discretion of the Department or local health department in accordance with: a waiver issued pursuant to Part 75 of this Title; or a variance issued pursuant to Subpart 5-2 of this Title; or a written approval issued by the Department or local health department prior to December 1, 2005; or a written approval granted by a local health department pursuant to a local sanitary code.
3. Other state agencies, regional authorities, and local health departments with authority to regulate water wells may establish additional requirements for water wells within their respective jurisdictions.

##### b. Definitions - As used in this regulation, the following words and terms shall have the indicated meaning:

1. Adequate means sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this Appendix.
2. Air lift test means a method of performing a water well yield test by pumping air through an inductor pipe to force water out of an eductor pipe. The inductor pipe is submerged to a depth generally about 60 percent below the static water level to allow for successful completion of the test. The drill pipe is utilized as the inductor pipe/air delivery mechanism and the casing and/or borehole as the eductor. The flow rate of water in gallons per minute (gpm) is determined as the water exits the top of the well. The drop of air pressure in the inductor pipe can be used to estimate the drawdown in the well.
3. API means American Petroleum Institute.
4. ASTM means American Society for Testing and Materials.
5. Bailing test means a method of estimating well yield by bailing a known quantity of water from static water level and maintaining a stabilized water level over a measured period of time.
6. Contaminant includes but is not limited to any physical, chemical, microbiological or radiological substance or matter in water that can be present at levels of public health concern.
7. Decommissioning means the act of filling, sealing and plugging water wells in accordance with the requirements of Section 5-B.6(a) of this regulation such that the continued existence of the well will neither pose a health or safety hazard nor serve as a conduit for contaminant migration to or within the aquifer.
8. Department means the New York State Department of Health.

formulations shall be used as submersible pump motor and vertical turbine shaft lubricants.

- i. After a new well has been constructed or an existing well has been repaired or serviced in a manner that requires the opening of the well casing, the well shall be pumped to waste until the pumped water is reasonably clear. After pumping to waste, the well, pumping equipment, and building plumbing shall be disinfected before being put into use.

#### Section 5-B.6 Water Well Capping and Abandonment.

- a. All water well capping, abandonment and decommissioning shall be in accord with requirements in Appendix 5-A of this title.

#### Section 5-B.7 Separability.

If any provisions of this Appendix are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

**Table 1**  
**Required Minimum Separation Distances to Protect Water Wells From Contamination**

<b>Contaminant Source</b>	<b>Distance (Feet)<sup>1</sup></b>
Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage) <sup>2</sup>	300
Landfill waste disposal area, or hazardous or radiological waste disposal area <sup>2</sup>	300
Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility	200
Land surface application or subsurface injection of septage waste	200
Land surface spreading or subsurface injection of liquid or solid manure <sup>3</sup>	200
Storage Areas for Manure piles <sup>4</sup>	200
Barnyard, silo, barn gutters and animal pens <sup>5, 6</sup>	100
Cesspools (i.e. pits with no septic tank pretreatment)	200
Wastewater treatment absorption systems located in coarse gravel or in the Direct path of drainage to a well	200
Fertilizer and/or pesticide mixing and/or clean up areas	150
Seepage pit (following septic tank) <sup>5</sup>	150
Underground single walled chemical or petroleum storage vessels	150
Absorption field or bed <sup>5</sup>	100
Contained chemical storage sites protected from the elements (e.g. salt and sand/salt storage within covered structures) <sup>7</sup>	100
Septic system components (non-watertight) <sup>5</sup>	100
Intermittent sand filter without a watertight liner <sup>5</sup>	100
Sanitary Privy pit <sup>5</sup>	100
Surface wastewater recharge absorption system constructed to discharge storm water from parking lots, roadways or driveways <sup>5</sup>	100
Cemeteries	100
Sanitary privy with a watertight vault	50
Septic tank, aerobic unit, watertight effluent line to distribution box	50
Sanitary sewer or combined sewer	50
Surface water recharge absorption system with no automotive-related Wastes (e.g., clear-water basin, clear-water dry well)	50
Stream, lake, watercourse, drainage ditch, or wetland	25
All known sources of contamination otherwise not shown above	100

**Notes for Table 1:**

1. The listed water well separation distances from contaminant sources shall be increased by 50% whenever aquifer water enters the water well at less than 50 feet below grade. If a 50% increase in separation distances can not be achieved, then the greatest possible increase in separation distance shall be provided with such additional measures as needed to prevent contamination. See also Note 6 to Table 2.
2. Water wells shall not be located in a direct line of flow from these items, nor in any contaminant plume created by these items, except with such additional measures (e.g., sentinel groundwater monitoring, hydraulic containment, source water treatment) as needed to prevent contamination.
3. Based upon on-site evaluations of agricultural properties done per agricultural environmental management (AEM) or comprehensive nutrient management plan (CNMP) programs by a certified nutrient management planner or soil and water conservation district (SWCD) official, water wells may be located a minimum of 100 feet from areas subject to land spreading of manure.
4. Water wells may be located 100 feet from temporary (30 days or less) manure piles/staging areas that are controlled to preclude contamination of surface or groundwater or 100 feet from otherwise managed manure piles that are controlled pursuant to regulation in a manner that prevents contamination of surface or groundwater.
5. When these contamination sources are located in coarse gravel or are located upgrate and in the direct path of drainage to a water well, the water well shall be located at least 200 feet away from the closest part of these sources.
6. Animal pen does not include small pet shelters or kennels housing 3 or fewer adult pets.
7. Chemical storage sites as used in this entry do not include properly maintained storage areas of chemicals used for water treatment nor areas of household quantities of commonly used domestic chemicals.



## AEM Tier 2 Worksheet

# Manure Management for Horses: Nutrient Management, Storage, Field Application and/or Off-Farm Disposal

### Glossary

**Compost:** Biological degradation of manure and other organic material in an aerobic process, generating heat. With horse manure, regular turning of the pile enhances aerobic conditions.

**Defecation Area:** The section of a pasture or paddock in which horses will defecate.

**Nitrate:** A chemical derived from nitrogen-containing substances such as undigested feed protein in manure. Nitrates are soluble in water, and if they get into drinking water supplies at high enough concentrations, they can pose health risks to infants and young animals.

**Pathogens:** Disease-producing organisms. Examples are *E. coli* 0157:H7 and salmonella, which may infect livestock or humans; and Giardia or Cryptosporidium, which are intestinal parasites sometimes found in the feces of young livestock.

(Continued on page 2)

### Background

Manure is a mixture of feces, urine, and bedding. The average 1000 lb. horse produces about forty-five pounds of feces and urine a day, or about eight tons a year.

If used properly, horse manure is an excellent crop nutrient source and soil conditioner. If not used properly, the pathogens, nutrients, and organic matter contained in it can contribute to the pollution of surface and groundwater, possibly including your own water supply. Bacterial and protozoan pathogens in manure can pose a human health risk when found in drinking water supplies. Nitrates from manure can leach into groundwater, creating potential human and animal health risks. Nitrates and phosphorus can also reach surface waters stimulating undesirable algae and plant growth. This process called eutrophication, consequently damages recreational and drinking water uses. The decay of this additional organic matter will rob a stream or lake of the oxygen needed to maintain desirable aquatic life.

(Continued on page 2)

### Agricultural Water Quality Principle

Manure produced by domestic livestock should be stored and applied to the land in a manner maximizes the nutrient value and soil conditioning benefits to the farm while protecting surface and groundwater resources.



## Glossary continued ...

**Vegetative Buffer** – A permanent strip of dense, vigorous perennial vegetation at least 20 feet in width established and maintained along a watercourse or waterbody. See USDA Natural Resources Conservation Service (NRCS) Conservation Practice Standards NY-393S (Filter Strip), NY-390 (Riparian Herbaceous Buffer), and NY-391 (Riparian Forest Buffer).

**Vegetative Filter Area** – An area of grass sod, meeting USDA Natural Resources Conservation Service's (NRCS) Conservation Practice Standard NY-393a, for removing sediment, organic matter, nutrients, and other pollutants from waste water.

**Waterbody** – A lake, reservoir, pond, river, continuously-flowing stream, continuously-flowing spring, wetland, estuary, or bay.

**Watercourse** – Water flowing over a non-vegetated channel to a waterbody.

## Background continued ...

The risks of pollution of ground and surface water increases when horse manure is stored in an inappropriate location or poorly designed, constructed or managed site. Properly located, designed, and constructed storage sites can minimize risks associated with stored manure.

The land spreading of manure is practiced on many horse farms in New York State. This method of manure management poses a level of potential risk. Manure nutrients, sediment, and pathogens can move from where they are applied and impact water quality. Risk can be reduced by following management techniques, such as, applying manure according to crop need, adhering to setbacks from waterbodies and wells, and not applying manure to saturated or frozen ground. **Never harvest manure laden hay or allow horses access to pastures where manure has been applied before the vegetation has been washed with an adequate rain.**



AEM Tier 2 Worksheet: Horse Farm – Field Application		Potential Concern		
Factors Needing Assessment:	Lower 1	2	3	Higher 4
What is the condition of the field when manure is spread?	Soils are dry and fields are well vegetated.	Soils are wet and fields are well vegetated.	Soils are wet and fields are not well vegetated.	Soils are saturated, risk of runoff is high, or the site is prone to flooding.
What times of the year is manure spread?	Manure is spread only during the growing season.	Manure is never spread in late winter; early spring or when soils are frozen or snow covered.		Manure is when soils are frozen or snow covered.
Is the manure completely composted before application to fields?	Manure is piled and regularly turned for more than 6 months.	Manure is piled and lies undisturbed for more than 6 months.	Manure is piled and lies undisturbed for more than 3 months.	Manure is piled and lies undisturbed for less than 3 months.
How is the defecation area of your pastures managed?	Pastures are clipped and dragged several times a year.	Pastures are clipped and dragged once a year.	Pastures are clipped once a year, but not dragged.	Pastures are neither clipped nor dragged.
How far is manure spread from well heads or springs?	Manure is spread at least 200 feet from the nearest well head or spring.	Manure is spread at least 100 feet from the nearest well head or spring.	Manure is spread at least 50 feet from the nearest well head or spring.	Manure is spread less than 50 feet from the nearest well head or spring.
Are vegetative buffers maintained along watercourses in fields on which manure is spread?	A vegetative buffer that meets NRCS standards is maintained along watercourses in fields in which manure is spread OR A minimum 100 foot set back for manure spreading is maintained for each field.			Little or no vegetation exists along watercourses and no manure spreading set backs are maintained.

AEM Tier 2 Worksheet: Horse Farm – Manure Storage		Potential Concern		
Factors Needing Assessment:	Lower 1	2	3	Higher 4
Where is your manure pile or storage located?	Located on flat ground (0 to 2% slope) and not in a flood plain.	Located on a 3% to 8% slope and not in a flood plain.	Located on a 9% to 15% slope.	Located on ground with a greater than 15% slope <b>OR</b> In a flood plain.
What type of soil is under your manure pile or storage site?	Clays or silt soils or the pile sits on concrete with contaminated runoff flowing to a vegetative filter area meeting NRCS standards.	Loam soils.	Sands and gravel soils.	The pile sits on concrete without a vegetative filter area meeting NRCS standards to handle manure contaminated runoff.
How far is your manure pile or storage site from the nearest watercourse?	More than 300 feet of flow path or runoff flows into a vegetative filter area meeting NRCS standards.		Between 100 and 200 feet.	Less than 100 feet.
How far is your manure pile or storage site from wells or springs?	Located or designed such that seepage from the manure pile area does not enter wells or springs.	Greater than 200ft. down slope from well or spring.	Less than 200ft. from well or spring.	Located such that seepage from the manure pile area can enter wells or springs.

# Bound to the Herd

**copyright 1996 by Karen Bragg, distribution without permission is prohibited.  
Originally printed in the North West Rider**

The life of a horse living naturally revolves around his herd. The herd teaches the foal how to be a horse. The herd provides playmates and sparing partners. The herd gives direction and protection to all it's members. To a wild horse, the herd is his whole world, and his place within that herd, his most important concern.

Protection of each individual within the herd is the highest calling of a herd group. The dominant, self-assured members of the herd move along in the front of the group. They are the main sentries who's job it is to detect danger. The young healthy, but not so assured members follow close behind, knowing that they will be forewarned of approaching danger by the leaders. The weak, sick, lame and infirm hold up the rear, where they are easy targets for the waiting predators. Of course, being alone is the most dangerous place of all. For a lone horse will not have the benefit of the warning of danger from the leaders and will be the only target for a hungry predator. Horses don't know this intellectually. They know it physically. They don't think about well being or danger, they feel it.

While being bound to a herd is in the best interest of a wild horse, being herd bound can be a serious problem for a domestic horse. While his human caretakers have assumed the responsibility for protection, a horse does not necessarily understand this. Like a foal grows up in a herd and learns to depend upon it, a domestic horse must learn to depend on it's human associates. When presented with a choice, the natural herd will always win out.

Among the least herd bound of domestic horses are show horses. If you consider their life style from birth, this is easy to understand. A foal intended for the show ring spends only its infancy, if that, in a herd environment. Early on in it's life, the show horse is relegated to a stall with human directed exercise and eating habits. Living virtually alone, a horse learns to be his own sentry, and never experiencing a close call with a cougar, becomes fairly confident in himself. His experience with other horses occurs primarily while under the direction of a human. The human "dominant" character guides the horse through the "herd" in a show ring, and the horse learns that this human is his most important concern . . .not what the other horses are doing. While deprived of a totally "natural" horse life experience, the show horse is not psychotic as a rule, unless his human mentor is less than humane. But the experience of herd deprivation does not seem to have an adverse effect on the horse as a whole. In fact, removing the element of herd bound is usually an advantage.

Among the most herd bound horses are those that are owned by pleasure riders. They live in a pasture with one or more other horses, and all of the herd elements flourish. Even in a herd of two animals, all of the herd dynamics are present. If the "alpha" or lead horse is taken away, the horse remaining behind usually experiences near panic. His protector is gone. He is alone and therefor the "target" of any predator who might happen by. His fear is real. Fear that escalates into panic can and often does cause the horse to do bodily harm to himself, such as run through a fence or kick a barn wall. The stronger the herd instinct, the more difficulty a rider will experience when riding with a group of horses, even horses that don't live together and have no herd history between them. There will be the horse that has to be in front on the trail, trusting only himself to act as sentry. There will be horses that, when forced to follow when they themselves would rather lead, will prance and whinny. As they jig down the trail, they find themselves left behind and their agitation increases, for now they are in the back of the herd, the most vulnerable position! This is not a problem with training. It is a problem with instinct!

The best way to deal with herd bound horses is to not allow it to occur at all. A lesson can be learned from observing the upbringing of the life long show horse. If herd bound is not allowed to form during those early years, it is less likely to be a problem later, so long as the horse is not given an opportunity to bond with a group. While many horse owners feel uncomfortable themselves when considering the options to diminish herd bound problems, depriving a horse of a herd experience is, in fact, the only way to prevent it or deal with it. Horse owners want to be kind to their beloved equine friends and feel a sense of well being themselves at watching the group of horses

grazing together in a pasture, as nature intended. However, they pay for this generosity of spirit when they try to have a quiet trail ride, or take a pair of bonded horses to the same show, only to have them constantly scream and cry for one another!

Horses living in stalls with private turn out are unlikely to become herd bound. Horses can share neighboring pastures and actually "talk" to each other over a fence without necessarily becoming bonded. However, once they run together, a herd exists, the behavior is learned, and the problems can and often do develop.

As with anything a horse learns, the younger they are at the time they learn something, the better they learn it. An older horse that started his life on his own in a barn can often live with a herd in later life without becoming unduly attached. A horse that has once been solidly herd bound, will become so again with any opportunity.

While it may be difficult for the horse owner to get used to, horses are highly adaptable. Breaking the herd bound ties will be hard at first. Expect lots of crying and fence running. But in time, the horse will adjust to his new situation and will probably become more focused on his human companion. After all, in the absence of an equine preferred associate and protector, human companionship becomes a much more important element in the horse's existence. A herd is as small a number as two. And a herd can be just your horse and you!

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## THE HERD BOUND HORSE

by JOHN LYONS

This is a fun problem with our horses because it's an easy one when we know how to work with it. First, let's define some goals and what we want to teach.

Our goals are two-fold. Number one: We want to ride away from the group or buddy horse without our horse becoming upset or the other horse becoming upset. This means we will need to set up this situation of riding away from the other horse many times. Repetition is going to be the key to achieving these results. Riding away from the other horse once or twice a day will not get the job done.

The second part of our goals is to stay away from the other horse for as long as needed without either horse becoming upset. This is a time factor. In dealing with any time factor during training, always start with the shortest time and work to longer time limits. For example, ride away from the other horse for only a few seconds at first. Extend this period to 10, 20 then 30 seconds, then on to minutes until we reach the point that we can ride away for hours.

Two factors we have working in our favor during these training sessions are: Our horse is going to become excited, and our horse is going to be calming down on his own.

When we ask our horse to move away from the "buddy" horse, he is going to become excited in anticipation of leaving his friend. The other horse, at this point, is doing two things to help us in training our horse. One is giving our horse a distraction and two is helping us work with our horse's emotions.

A distraction is something that takes our horse's attention off us and onto something else. Distractions come in all different levels, from a leaf on the ground, a barking dog, a "buddy" horse, or even a bear. Distractions are nothing more than pop quizzes for our horse.

In other words, when we come across a distraction, it allows us to give our horse a test. The test is simply a question: will you (my horse) listen to this cue with this level of distraction? If the answer is yes and he responds correctly to our cue quickly and quietly with his mind and attention to us, he passes the pop quiz test. If the horse does not respond to our cue in this manner, then he fails the pop quiz test.

If the horse fails the test, we should return the horse to an environment where he will listen to that cue and begin to re-practice that cue. We will need to move our horse closer to the buddy horse or maybe not ride quite as far away. We might even want to return quicker to the area of the buddy horse.

The second area on which we are working on are the horse's emotions. All horses become excited at different times and at those times we still need our horse to listen and respond to our cues. Set up the situation in a controlled environment to work on emotions. Get him just a little excited and then let him calm-down. The buddy sour problem can become an excellent opportunity for us to recognize that as we ride away and return, both horse's emotions are on roller coasters. When we start to ride away, the horses become nervous, upset and excited. When we turn around and start to ride closer, they see the other horse is

not leaving so they begin to calm-down. Believe it or not, this is extremely hard on a horse's system, as it would be on our system. Soon, after putting their emotions through this kind of roller coaster of getting upset and calming down, the horses start to get a grip on themselves. They begin to realize the "buddy" horse is going to come back so they do not get quite so upset. It's easier on a horse to become upset and stay upset for an hour or so than it is for him to become upset and calm down 50 times in that hour.

By riding away for 10 seconds, then returning and staying close to the other horse until both horses calm down, the rider is putting the horse's emotions on this roller coaster. After a while, the rider will be able to go farther and farther away and stay gone longer without either horse getting upset. When the rider returns both horses will calm down quicker. This is a great opportunity for the rider to work with their horse's emotions. Continue with this pattern of going away and coming right back until neither horse becomes upset by the leaving or returning.

At the same time you have been solving the buddy sour problems with your horse, you have also practiced hundreds of times asking your horse to turn to the left, turn to the right, pick up his lead, etc. By doing so you have concentrated on the parts of your horse's training you wanted to improve and you were able to do so positively. Again, remember to ride where you can get the responses you want from your horse, not where he is doing things you do not want him to do.

With this method of training, you have determined your goal and developed an easy starting point for your horse. You may put steps between your starting point and your goal, with each of these steps being easy for your horse to attain. Both you and your horse have been safe throughout the lesson and it's even been fun for you to ride and your horse to learn. Because of the approach you took to solve the buddy sour problem, you not only solved that problem but improved other areas of your horse's training and performance as well.

Happy Trails, John Lyons

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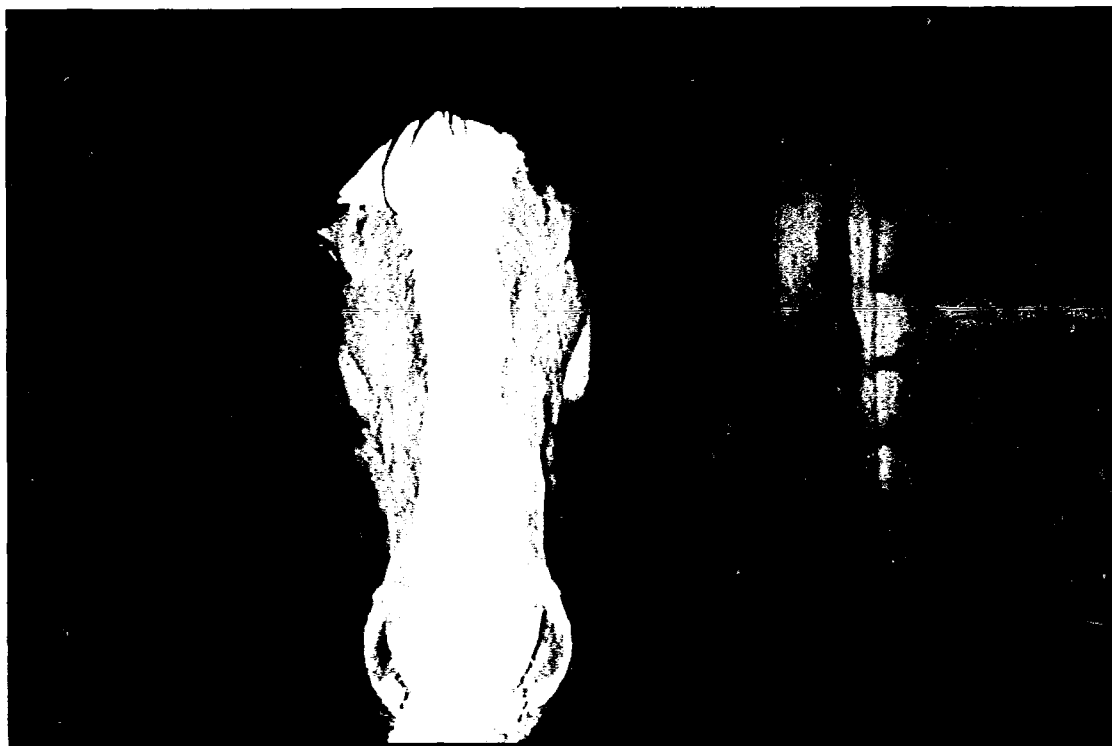
[CLICK HERE TO GO BACK](#)



**Dredger**

**Gallo**





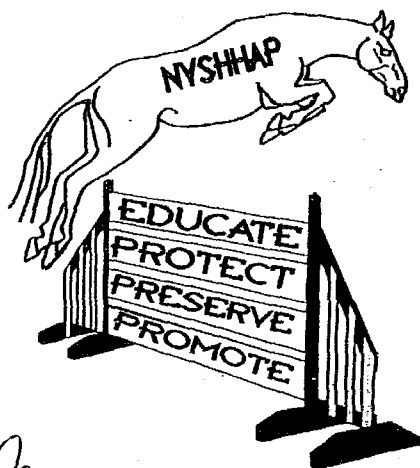
Like human beings, horses are all individuals with singular personalities, their own virtues and their own faults. We become bound to them for their beauty, their eccentricities, their heart and the love they so often return to us.





*BLUE RIBBON  
AWARD  
To  
MENKENS HOBBY HORSE  
FARM*

*AN OPERATION EXEMPLIFYING THE USE OF "BEST  
MANAGEMENT PRACTICES"  
AS DEFINED BY THE NEW YORK STATE  
HORSE HEALTH ASSURANCE PROGRAM*



*John P. Huntley*

*John P. Huntley  
Director, Division of Animal Industry*

*11.21.06*

*Date*



For our children the horses have taught them responsibility, trust, open mindedness, confidence, patience, self discipline, sensitivity, how to learn from mistakes, and respect.





Give a horse what he needs and he will give you his heart in return.





A horse is worth more than riches.





# EXCLUSIVELY EQUINE

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## *Properties, LLC*

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To Whom It May Concern:

11/30/06

The value of the Menken property located on 1 Sean Court, New Windsor has not been decreased due to the installation of a horse facility. The neighboring properties have not been affected by the presence of horses in the neighborhood. The adjacent property also houses horses.

The property is located in an Ag district which is covered by the "Right to Farm" laws and is protected from frivolous lawsuits and complaints. The farm is a certified under the NYSHHAP which evaluates the care and maintenance of horses and the property.

Property value is based on the current sales of other similar houses in the area. A comparable property evaluation is calculated on the condition, location, style of the house based on existing sales of similar homes. A properly maintained horse farm does not bring the value of the neighborhood down.

Georgianna (Chip) Watson  
Licensed New York State Realtor

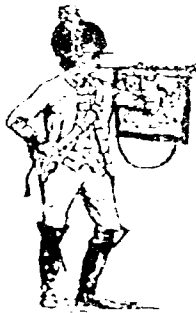


When riding a horse we leave our fear, troubles and sadness behind on the ground.



The love of horses knows not it's depth till the hour of separation.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessor's Office

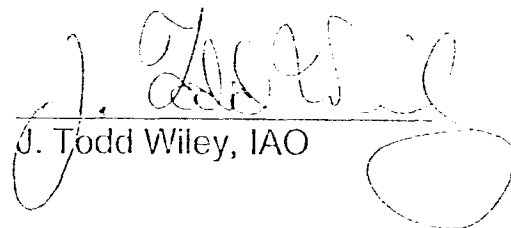
Assessor J. Todd Wiley, IAO

November 1, 2006

To whom it may concern,

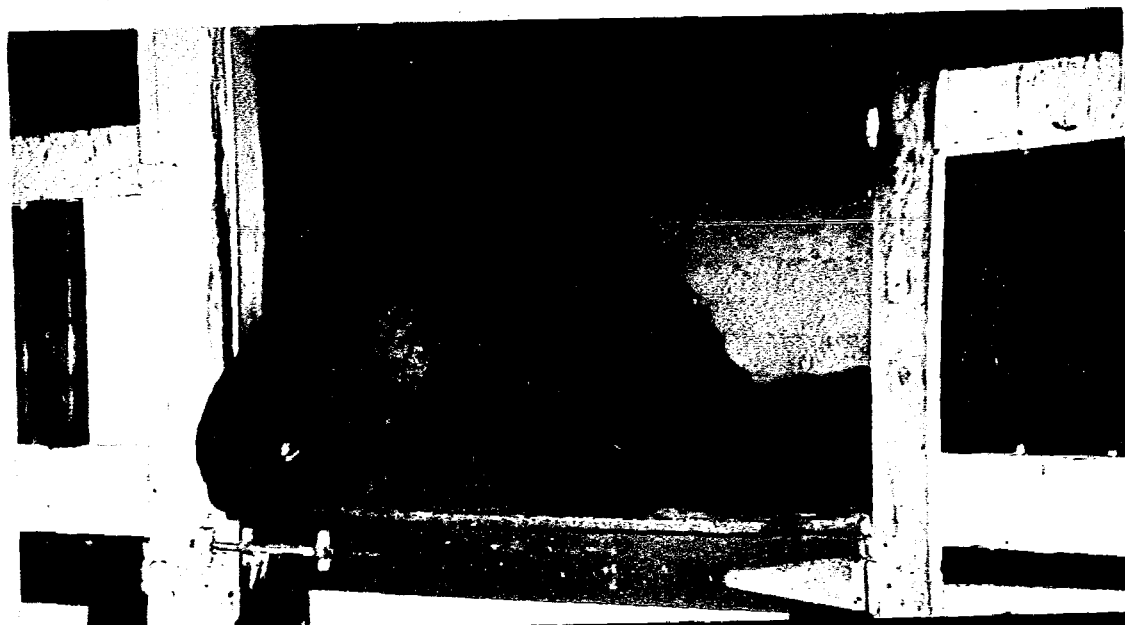
My records indicate that the parcel known as section 52, block 1, lot 79.1 is located within the County Agricultural District.

Sincerely,

  
J. Todd Wiley, IAO







The essential joy of being with horses is that it brings us in contact with the rare elements of grace, beauty and fire.





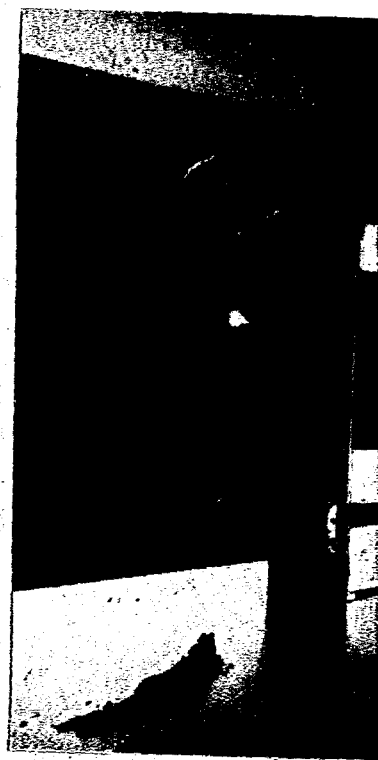
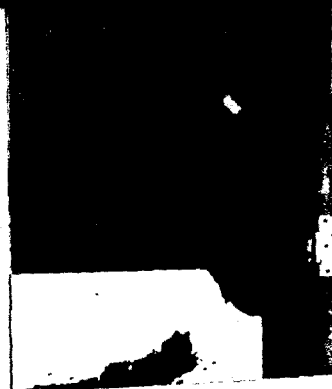
The history of mankind is carried on the back of the horse.

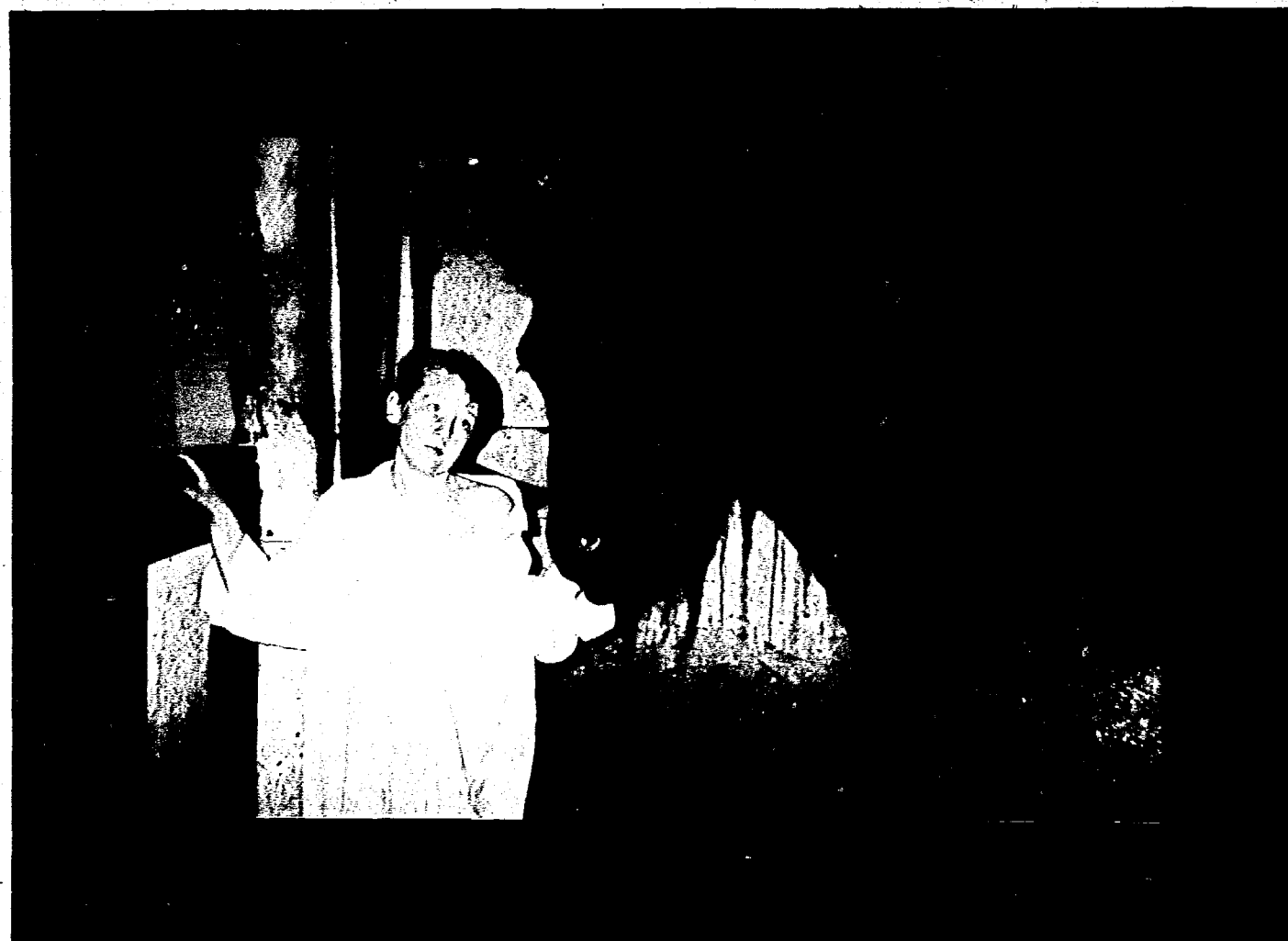




"Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article [Article 25-AA of the Agriculture and Markets Law], and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened."









## What horse owners are saying about AEM:



*"The AEM worksheet let us realize where we have excelled in the operation of our Paint Horse breeding farm and focused us on a potential problem we had not considered."*

Aerial D. Olivet  
Tempra Hill Farm  
Germantown, NY

*"AEM helped us document the things we were doing right and enabled us to improve the way we manage farm resources."*

Lendon Gray  
Veteran of the 1980/1988  
US Olympic Dressage Team  
and highly respected trainer  
of horses and riders.  
Bedford, NY



*"Since I travel from farm to farm, I have noticed that those participating in the AEM program have a heightened awareness of how their actions may impact the environment."*

Gregg Miron,  
Redefining Horsemanship®  
Trainer/Clinician  
New Paltz, NY



## AEM Objectives:

- Increase horse owners' awareness of the potential to impact the environment.
- Provide a voluntary, incentive-based program to address water quality concerns on horse-farms.
- Adopt Best Management Practices (BMPs) consistent with an individual's resources.
- Document environmental stewardship.
- Address neighbor relations.



*"It was important to me to be certain that we were managing our farm in a way that would not adversely affect the environment."*

Andre Dignelli  
Champion rider and leading trainer specializing in equitation,  
hunters, and jumpers.  
Katonah, NY

## AEM Contacts:

Support and funding provided by:



Horsing Around with

**Agricultural  
Environmental  
Management...**



**...makes good naaaaaay...bors!**

## What is AEM?

Agricultural Environmental Management (AEM) is a voluntary, incentive based program that helps farmers (including horse owners) operate environmentally sound and economically viable business (including backyard or hobby farms).

The AEM program coordinates agricultural and environmental conservation agencies and programs. All agricultural counties in New York State are conducting AEM programs, and participation has grown to include nearly 8,000 farms.



## Why AEM?

Horse owners utilize AEM to address water quality concerns originating from their activities by:

- Identifying and assessing environmental concerns associated with their horse keeping operation
- Documenting current good horse keeping practices
- Developing management plans with an environmental component
- Implementing environmentally sound practices to address environmental concerns
- Protecting local water supplies

## AEM Benefits Horses, their Owners, and the Environment

**AEM helps to:**

- Manage disposal or nutrient use of stall bedding
- Manage paddock runoff and wash stall wastewater
- Manage pastures and conserve soil
- Protect drinking water supplies
- Improve neighbor relations
- Promote the economic and environmental benefits of horse farms and backyard horses to the community

## How Does AEM Work?

Using AEM's 5-tiered approach, horse owners work with local AEM resource professionals to develop and implement comprehensive, site-specific farm plans:

- Tier 1:** A short questionnaire identifies current farm activities, future plans and potential environmental concerns.
- Tier 2:** AEM worksheets document current environmental stewardship while identifying and prioritizing environmental concerns.
- Tier 3:** A plan is developed providing solutions to environmental concerns identified in Tiers 1 and 2. Plans are designed with the horse owner or farms mission, goals, and objectives in mind.
- Tier 4:** Agricultural agencies and consultants provide farms with technical, educational, and financial assistance to implement Best Management Practices (BMPs).
- Tier 5:** Ongoing evaluations ensure that AEM helps protect both the environment and the viability of the farm business.

## What Assistance Does AEM Provide?

AEM can link horse owners with programs to address environmental issues with their farm.

### Financial Assistance:

Sources of cost-share funds for environmental farm plans and BMP implementation include:

- NYS Agricultural Nonpoint Source Abatement and Control Grant Program
- NYS Farmland Viability Grants
- NYS Energy Research and Development Authority Grants (NYSERDA)
- USDA Farm Bill Programs such as the Environmental Quality Incentive Program (EQIP) and the Conservation Reserve Program (CRP)



*"Through the AEM Tier II Assessment process, we realized that even just our five backyard horses can have an impact over time."*

Sarah and Shannon Bower  
Stanfordville, NY





Orange County  
Agricultural Environmental Management (AEM)  
Program Team

**AEM Tier 2 Summary Report**  
**MENKENS AEM PROJECT**

<b>Farm Name</b>	Menkens Hobby Horse Farm		
<b>Contact Name</b>	Deborah Menkens		
<b>Address</b>	1 Sean Court, Rock Tavern, NY 12575		
<b>Phone</b>	845-496-3732	914-805-5843	
<b>Evaluator</b>	Michael Maillet, District Technician	<b>Phone:</b> 845-343-1873 x 3	
<b>Date Prepared</b>	10/25/2006	<b>Date Delivered</b>	10/30/2006

**Watershed Site Evaluation-** Every waterbody in New York State has been classified according to its best use. Each use has a set of standards associated with it that limit the concentrations of various contaminants that can be present in water. A water quality problem exists where a classified use is negatively impacted. The effects can range from precluding a use to situations where a waterbody's best use is threatened. The primary pollutants that can result from land use activities within a watershed include nutrients, sediment, toxic substance, pathogens, oxygen demanding substances, and elevated water temperatures. In any given watershed there are a number of potential sources of these pollutants such as agricultural, forestry and construction activities; land disposal of waste; and modifications to streambanks or stream channels. In many areas of the state there are watershed management plans or aquifer/wellhead protection plans that identify pollutants of concern and land uses or activities that pose a potential risk to water quality. The topography and soil types found on your farm influence the type of farming you do, the inputs you need and your results. The type of farm activities you undertake, along with your farm's soils, topography, and location within a watershed, affect your farm's potential for pollution of ground and surface water. The Menkens Hobby Horse Farm is located in the Moodna Creek Watershed. The Moodna Creek drains east into the Hudson River, which eventually drains into the Atlantic Ocean. Land areas with a high potential for transporting pollutants to waterbodies are classified as **hydrologically sensitive areas**. There are two categories of hydrologically sensitive areas: those land areas that contribute surface water runoff to rivers, lakes and reservoirs (saturated soils and highly erodible land), and areas which contribute subsurface water flow to re-charge areas for significant aquifers (such as sinkholes and deep well-drained, permeable soils). The soils on the ~~Menkens Hobby Horse Farm~~ are considered hydrologically sensitive. There are two different soil types found. The first one ErA, is an Erie gravelly silt loam with a 0 to 3 percent slope. Soils in this category are known to be deep and poorly drained. A seasonal high water table becomes perched above a fragipan in the spring and other wet periods of the year. This soil is somewhat more difficult to drain than other sloping Erie soils. Using this soil for pasture is generally fair to good in quality. Grazing in wet periods compacts the soil and destroys desirable grasses. Rotation grazing, proper management, and restricted grazing in wet periods are needed to maintain pasture seedings.

The second soil type found on the Menkens Hobby Horse farm is MdB, a Mardin gravelly silt loam with a 3 to 8 percent slope. Mardin soils are known to be deep and moderately well drained. The water table in this Mardin soil is perched above the fragipan in early spring and other excessively wet periods. This soil is suitable for pasture although, it has the same tendencies of the Erie soil when it comes to management. Agricultural activities that are found in the hydrologically sensitive areas have the potential to negatively affect water quality. As of my visit on October 24, 2006, there are no water management practices such as tile drainage that outlet directly to a waterbody. Tile drainage could negatively affect water quality. There are areas that are seasonally flooded or saturated. On site, there are no highly erodible soils without erosion control practices. The areas on site are not impervious, the site is either being established by fall seeding or covered with a thick layer of mulch. The farm well is located within the hydrologically sensitive area. There are no sinkholes, depressions, fractured bedrock, or deep well-drained permeable soils. Management of horses on this farm must be done very efficiently.

**Agriculture and The Community-** Farming in all areas of the world has an impact on the economic, social, recreational, and environmental benefits to the community, town, and watershed it is located in. Orange County and the Town of New Windsor are undertaking efforts to preserve farmland and want to document the multiple public benefits of retaining a viable agricultural industry within the community. The Menkens Hobby Horse Farm is located nearby agricultural businesses, nonagricultural businesses, residential housing, and public buildings. Neighbor relations seem to be a concern in the small rural community. Farm operators pay close attention to the appearance of the farm and all the equipment as well as the management practices being implemented. The farm does not contain a conservation easement nor does it have a Conservation Nutrient Management Plan that is being followed at this time. There is an impact on the regional and local community's economy because of this farming operation. Local businesses are utilized on a day-to-day basis. I would feel safe to say that the farm is part of a desired viewshed that promotes tourism and adds to the quality of life in the community.

**Waste Disposal-** Numerous products such as pesticides, cleaners, solvents, oils, batteries, etc. are used on a farm daily. Not to mention the amount of manure that comes from a barn. Proper disposal of these items is necessary to ensure a clean and healthy drinking water supply, let alone irrigation water supply (if used). Improper disposal may be detrimental to surface and groundwater in addition to being illegal. Under normal conditions, small amounts of oil, and cleaners are sometimes spilled onto the farm property. Proper disposal practices must be used to minimize the potential for surface and groundwater contamination. Most farmers are aware of the risks associated with pesticide use, but may be unfamiliar with the side effects of other chemicals used around the farm. Proper disposal of waste products off the farm is necessary to ensure safe drinking water for farmstead as well as safe drinking water for others. Management practices on the Menkens Hobby Horse Farm seem to be up to speed. If a situation came up on the farm where a dead animal had to be disposed of, a rendering company would pick up the animal within 48 hours after the death. Manure is removed from the farm weekly, and will be talked about in greater detail later in the report. Any type of waste oil, grease, and antifreeze is immediately taken to a recycling facility. All plastic containers are triple rinsed and recycled. Old lead acid batteries are exchanged when the new batteries are purchased. There are no products on the farm causing problems such as veterinary/medical waste, fertilizer bags, plastic bale wrap/silage bags, or paints/solvents. The farm does not contain a dump, or a burning barrel that could cause controversy with the nearby neighbors.

**Water-Borne Pathogen Management-** *Giardia* and *Cryptosporidium parvum* are two protozoa parasites found in animal manure that can cause infection in humans. Bacteria such as *E. coli* 0157:H7, *Salmonella*, and *Campylobacter* are also found in manure and also have the potential to cause diarrhea and illness in humans. Infants, the elderly, and individuals with immune system deficiencies are at greatest risk for infection. Infection occurs from ingesting contaminated food or water. Poor hygiene practices while handling animals and drinking from a contaminated source are the major routes of infection. Unlike these protozoa and bacteria, intestinal viruses from animals do not generally infect humans. Viruses are considered to be host-specific and farm animals are not considered to be a source of infection for humans unless human sewage is present. Surface water supplies for drinking and recreation are considered to be most susceptible to contamination by protozoan and bacterial pathogens. Chlorination and other standard water treatments are effective in killing bacteria, but do not kill protozoa pathogens. Specific water filtration practices are required to remove *Giardia* cysts and *C. parvum* oocyst from water. Additionally many communities with filtration capabilities rely on unfiltered water sources as their back-up water supply. Poorly managed filtration operations can result in outbreaks of these parasites. On farms, manure from animals six months and younger are a likely source of *C. parvum* and *Giardia*. *C. parvum* is limited to animals less than 30 days old. *Giardia* has been detected primarily, but not exclusively, in animals younger than six months of age. Foals and young horses can shed *C. parvum* and *Giardia* even when they appear to be healthy. As a result, surface runoff from animal housing, turn out and exercise areas pose a potential risk to water supplies. On-farm pathogen management must focus on preventing fecal contamination of livestock feed and water, preventing gross contamination of surface water by manure, and protection of wellheads, sink holes and other direct links to ground water. A **three-barrier approach** should be employed to control pathogens on a farm. These practices may also benefit a farm with improved animal health and performance. The **first barrier** involves reducing the potential for pathogens to enter the farm from outside sources such as: the introduction of infected animals; the transportation of infected manure onto the farm on clothing, boots, or equipment; and pets, rodents, and other animals transporting contaminated manure from other farms. The **second barrier** is to minimize cross-contamination among animals on the farm. Pathogen movement and multiplication on the farm can be minimized by: keeping animal-raising areas clean; and ensuring that all feeds and feeding utensils are clean. The **third barrier** is to restrict movement of contaminated feces into nearby watercourses by: preventing runoff from housing, exercise lots, and manure storage areas; and spreading manure on no-hydrologically sensitive areas. On the Menkens Hobby Horse Farm, no manure from horses' 12 months of age and under is ever applied to hydrologically sensitive areas. Actually, all manure on the farm is removed and composted off site. If foaling stalls are needed, they will be stripped, disinfected and rested at least 2 weeks before re-used. The Menkens Hobby Horse Farm is participating in the NYS Horse Health Assurance Program. This program is a voluntary certification program designed to promote and to teach a proactive approach to equine health, care and welfare through the use of certain Management Practices and to recognize exceptionally managed equine operations. I would like to suggest that the farm begin testing non-chlorinated water supplies for coliform bacteria. Testing should be targeted for times during droughts or after extreme rainfall. Manure is not spread on land that will be used for pasturing or production of hay within six months after spreading. This will greatly reduce the chances of infection from protozoa and bacteria. The barn on site is well ventilated and cleaned daily. Feed and waterers are also cleaned regularly, again reducing the chances of infection and eliminating all possible environments. One other aspect that I would like to report on is livestock manure concentrated holding areas. Livestock waste contains high levels of nitrogen, phosphorus, sediments, degradable organic materials and microbes.

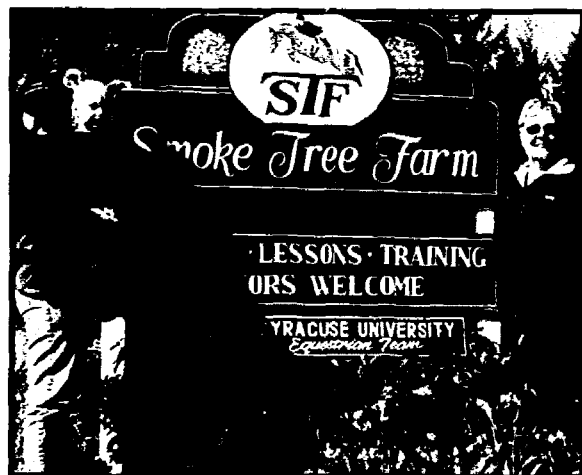
When livestock waste is concentrated the danger of pollutants reaching surface water or groundwater increases. Odors from poorly designed and managed holding areas can also be a cause of problems with neighbors. I recommend that all manure-holding areas on site be covered to keep odors down and stormwater out.

**Manure Management for Horses-** Manure is a mixture of feces, urine, and bedding. The average 1000 lb. horse produces about forty-five pounds of feces and urine a day, or about eight tons a year. If used properly, horse manure is an excellent crop nutrient source and soil conditioner. If not used properly, the pathogens, nutrients, and organic matter contained in it can contribute to the pollution of surface and groundwater, possibly including your own water supply. Bacterial and protozoan pathogens in manure can pose a human health risk when found in drinking water supplies as talked about before. Nitrates from manure can leach into groundwater, creating potential human and animal health risks. Nitrates and phosphorus can also reach surface waters stimulating undesirable algae and plant growth. This process called eutrophication, consequently damages recreational and drinking water uses. The decay of this additional organic matter will rob a stream or lake of the oxygen needed to maintain desirable aquatic life. The risks of pollution of ground and surface water increases when horse manure is stored in an inappropriate location or poorly designed, constructed or managed site. Properly located, designed, and constructed storage sites can minimize risks associated with stored manure. The land spreading of manure is practiced on many horse farms in New York State. This method of manure management poses a level of potential risk. Manure nutrients, sediment, and pathogens can move from where they are applied and impact water quality. Risks can be reduced by following management techniques, such as, applying manure according to crop needs, adhering to setbacks from waterbodies and wells, and not applying manure to saturated or frozen ground. Manure management on the Menkens Hobby Horse Farm is stored in a location and regularly hauled off the farm. Some recommendations that I would like to make begin with the properly designed storage structure. The USDA NRCS (United States Department of Agriculture Natural Resources Conservation Service) has a set of standards that should be followed when dealing with manure storage. This structure should be designed and sized for the specific operation. ([www.nrcs.usda.gov](http://www.nrcs.usda.gov)) The other recommendation that I would like to make is having the manure tested every other year for nutrient content. This would be subject to owner discretion or a suggestion for the receiver of the manure. I suggest that the defecation area of your pastures continue to be cleaned of manure, and that all fence lines contain a vegetative buffer to catch all nutrient leaching that is occurring.

**Outdoor Paddock and Arena Management-** Paddocks, or turn out areas, are small fenced areas that have little vegetative growth and high concentrations of manure. The soils in these heavily used areas tend to be compacted, allowing for more runoff and less infiltration of water. Outdoor arenas may have areas that impermeable and are often drained to allow use in wetter times of the year. Both paddocks and outdoor arenas that are located close to a watercourse or road ditch have potential to discharge sediment, manure and other contaminants to surface water. There is potential to affect ground water if: Paddocks are located on coarse-textured permeable soils; The water table is at or near the surface; bedrock is within a few feet of the surface; polluted runoff from the paddock flows directly onto permeable soils or bedrock. In the case of the Menkens Hobby Horse Farm, permeable soils do not cause an issue for runoff and increased infiltration. One of the negative aspects with the farming soil is that, the water table is perched above the fragipan during the spring and other wet periods of the year. As of right now, vegetation is spotty on the paddocks due to the fact that it was recently fall seeded.

A lot of the area is covered with a layer of mulch for protection. Seeding will be completed into these areas during this coming spring. Manure is regularly cleaned up and removed to storage from the paddocks. This will reduce the chances of polluting surface or ground water. All clean roof water is going to be collected and stored in rain barrels. This will reduce the amount of sheet flow occurring in the paddocks. I suggest that a vegetated buffer be maintained outside the paddock fence area to help contain and absorb nutrients that may be in the runoff. Along with keeping vegetation maintained on the outside of the paddocks, vegetation must be maintained on the inside of the fence. The main idea is to keep the paddocks 100 percent vegetated from proper rotational grazing. Keeping vegetation maintained on all of the paddocks is a dream for all horse owners, reaching that goal can be a very tedious task.

**Farmstead Water Supply Evaluation-** The condition of your well or spring and its proximity to sources of contamination determine the risk it poses to the water you drink. For example, a cracked well casing allows pathogens, nitrates, oil and pesticides to enter the well more easily. Spilling pesticides near a well while mixing or loading can result in the contamination of your family and your neighbors' drinking water supplies. Feedlots, barnyards and septic systems are potential sources of pathogens and nitrates. Fertilizer applications and waste storage areas can also be sources of nitrates. Both pathogens and nitrates pose serious health hazards if they get into drinking water supplies. Preventing well water and spring development contamination should be priority concern on the farm. Once the groundwater that supplies your well or spring is contaminated, it can be very difficult to clean up. The only options may be to treat the water, drill a new well, or obtain water from another source. If contamination affects your or your neighbors' wells, you may be responsible for clean up costs. New wells should be developed according to standards set by the New York State Department of Health (NYSDOH) and detailed in the publication "Rural Water Supply." Contact the County Health Department to obtain a copy of this publication. The water supply on the Menkens Hobby Horse Farm is a drilled well that is less than 20 year old. This supply is less prone to pollution than one that is over 80 years old. There are a couple factors relating to the soil on site that could possibly effect groundwater pollution. Having the water table perched above the fragipan during the spring and wet periods causes some worries when it comes to groundwater pollution. To minimize the potential for pollution entering the well, it is a good recommendation to have: the casing depth at least 30 feet below water level in a well or 5 feet below pumping level, whichever is deeper; have casing more than 12 inches above ground; casing surrounded at the ground surface by a 4 inch concrete slab extending at least 2 feet in all directions and sloping away from the casing; grouting around casing to a depth of at least 20 feet. I would suggest that the water from the well be tested at least twice each year for the presence of bacteria and nitrates.



**George E. Pataki, Governor**  
New York State

**Patrick H. Brennan, Commissioner**  
New York State  
Department of  
Agriculture and Markets

**John P. Huntley,**  
**DVM, MPH,**  
**Director**  
Division of Animal Industry

**Lyda Denney,**  
**DVM**  
Program Coordinator



# NYSHHAP

## JUMP ABOARD! BECOME A NYSHHAP CERTIFIED MEMBER!

WHERE DOES AN EQUINE OPERATION OBTAIN  
PROGRAM MATERIALS OR FURTHER INFORMATION?

**Dr. Lyda W. Denney**

**Field veterinarian & NYSHHAP  
Coordinator**

**NYS Dept. Agriculture & Markets  
Division of Animal Industry**

**Phone Home & Office**

**315-829-4282**

**Cell Phone**

**315-430-2529**

**Email: [lyda.denney@agmkt.state.ny.us](mailto:lyda.denney@agmkt.state.ny.us)**

**NYS Department of  
Agriculture & Markets  
Division of Animal Industry**

**10B Airline Drive**

**Albany, NY 12235**

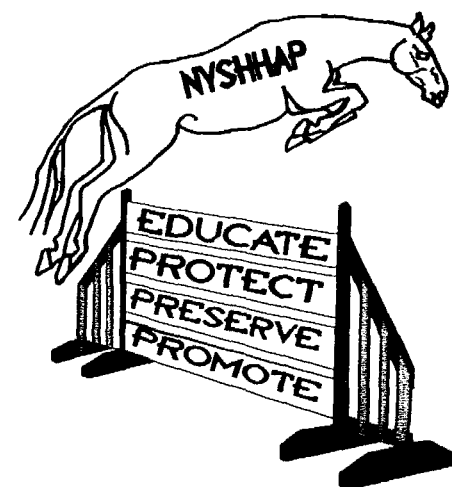
**518-457-3502**

**[www.agmkt.state.ny.us](http://www.agmkt.state.ny.us)**



**NYS Department of  
Agriculture & Markets  
Division of Animal Industry**

**THE NEW YORK STATE  
HORSE HEALTH ASSURANCE PROGRAM**



## What is the New York State Horse Health Assurance Program?

The NYSHHAP is a voluntary certification program designed to promote and to teach a pro-active approach to equine health, care, and welfare through the use of certain "best management practices" and to recognize exceptionally managed equine operations.

## What agency administers the program?

New York State Department of Agriculture and Markets,  
Division of Animal Industry

## What is the purpose of the program?

- To provide a framework for equine owners to consider the health risks commonly associated with equine operations
- To offer "Best Management Practices" or standards to address those risks
- To educate in the areas of equine health, care, and welfare
- To teach a pro-active approach to equine management
- To promote the strong equine industry in New York State



## What are the benefits of participation?

- **HEALTHIER HORSES (and MULES and DONKEYS) & HAPPIER OWNERS**
- **REDUCE THE CHANCES** of contagious diseases, health issues due to environmental conditions, or injuries from affecting your animals
- **REDUCE THE LOSS** in money, time, enjoyment, or production due to health issues
- **INCREASED KNOWLEDGE and AWARENESS** in many areas of equine management
- **ENHANCED MANAGEMENT SKILLS**
- **ADVERTISING TOOL**
- **BUILDS CONFIDENCE** with the horse industry at the state and national levels, that member operations provide quality services due to the NYSHHAP certification process



## What does the program cost?

- No charge for the program materials (manual and samples of required forms)
- No charge for consultation (email or phone)
- No charge for pre-certification visits
- No charge for the "certification" visit by program coordinator
- Only cost is for changes an operation makes to meet the standards

## Who can participate?

Any equine operation in New York State can become involved, commercial (boarding, training, breeding) or private.

## How does the certification process work?

- Program materials are requested by the operation from the contact listed on back
- Self-study form contained within the manual is completed by the operation and returned to the contact listed on the back
- Certification visit is scheduled by the program coordinator after the self-study form is received
- Certification visit is performed by the program coordinator
- Operation informed at time of visit if "certified member" status is approved
- Annual re-certification visits are performed

## What are the standards required for certification?

- **HEALTH** (standards to create a more robust individual): vaccinations, tests, de-worming, hoof care, dental care, daily health check, and medical history
- **BIOSECURITY** (standards to reduce/prevent diseases): health requirements for new animals entering an operation, policies for visitors, cleaning and disinfecting protocols, isolation area

- **ADMINISTRATION** (standards to provide written documentation): equine health records, employee records and responsibilities, written documentation of an operation's legal structure and insurance coverage, appropriate contracts
- **HOUSING** (standards to create a healthy environment): safety and maintenance, structure, and suitability of the barns and stalls, riding area safety
- **COMMODITIES** (standards to provide clean, safe feed stuffs and appropriate bedding): quality and storage of feedstuffs, clean water, and suitable bedding
- **MANURE HANDLING** (standards to protect environment and equine): daily cleaning and disposal of manure
- **PASTURE MANAGEMENT** (standards to ensure a safe and adequate outdoor environment): maintenance of area and fencing, pasture forage quality

## Are there other incentives?

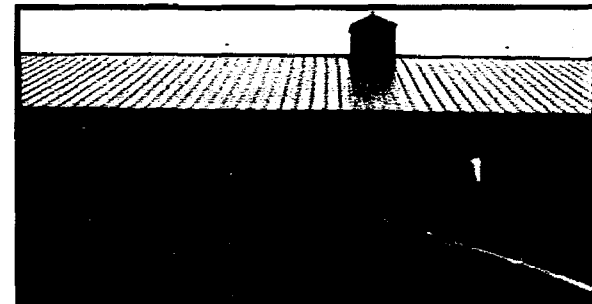
- Goods and services from a variety of NYSHHAP supporters
- Farm listing on the Department of Agriculture and Markets website
- Continuing education throughout the year (NYSHHAP Newsletter)

## What is the "Microchip Benefit"?

- Microchips (an initial supply), which yield both the animal's temperature and unique identification number are available at no cost to the operation.
- Reader given to operation at no cost.
- Assistance with microchip implantation procedure provided to operation's veterinarian
- Signs stating that animals on premises are electronically identified will be provided.

## What is the NYSHHAP WELCOME PACKAGE?

- NYSHHAP logo bag filled with various equine care products
- NYSHHAP logo polo shirt
- NYSHHAP all-weather farm recognition sign
- NYSHHAP all-weather entry / biosecurity sign
- NYSHHAP framed recognition certificate
- Medical waste container
- Supply of disinfectant



# NEW YORK STATE HORSE HEALTH ASSURANCE PROGRAM

## CERTIFICATION SELF STUDY FORM

OPERATION: **MENKENS HOBBY HORSE FARM**

ADDRESS: **1 SEAN COURT**

CITY, STATE, ZIP: **ROCK TAVERN, NY 12575**

CONTACT PERSON: **DEBORAH MENKENS**

OPERATION TYPE: **PRIVATE**

AREA CODE/PHONE NO. **585-657-4455**

DATE: **11-22-06**

STATE REPRESENTATIVE: **LYDA WINSLOW DENNEY**

PHONE NO.: **315-829-4282**

Use this form to evaluate your operation according to the standards outlined in the Standards & Certification Manual. The form should reflect the current status of your operation and all standards must receive a 100% score.

HERD HEALTH STDS QUES. 1-34	
STD #	Y/N
1.	Y
2.	NA
3.	Y
4.	NA
5.	"
6.	Y
7.	"
8.	NA
9.	Y
10.	"
11.	NA
12.	"
13.	"
14.	"
15.	Y

BIOSEC. STDS. QUES. 35-60	
STD #	Y/N
16.	Y
17.	"
18.	NA
19.	Y
20.	"
21.	"
22.	"
23.	"
24.	"
25.	"
26.	NA
27.	Y
28.	"
29.	"
30.	NA
31.	"
32.	"
33.	"
34.	"
35.	NA

ADMIN. STDS QUES. 61-76	
STD #	Y/N
36.	NA
37.	Y
38.	NA
39.	"
40.	NA
41.	"
42.	Y
43.	"
44.	NA
45.	"
46.	Y
47.	"
48.	"
49.	"
50.	"
51.	NA
52.	"

HOUSING STDS QUES. 77-86	
STD #	Y/N
53.	Y
54.	NA
55.	Y
56.	"
57.	"
58.	"
59.	"
60.	NA
61.	"
62.	Y

COMMODITIES STDS QUES. 87-93	
STD #	Y/N
63.	Y
64.	"
65.	"
66.	"
67.	"
68.	"
69.	"

MANURE HANDLING STDS - QUES. 94-95	
STD #	Y/N
70.	Y
71.	"

PASTURE MANAGEMENT STDS QUES. 96-97	
STD #	Y/N
72.	Y



# NEW YORK STATE HORSE HEALTH ASSURANCE PROGRAM

## OPERATION STATUS FORM

OPERATION: **MENKENS HOBBY HORSE FARM**

ADDRESS: **1 SEAN COURT**

CITY, STATE, ZIP: **ROCK TAVERN, NY 12575**

CONTACT PERSON: **DEBORAH MENKENS**

AREA CODE/PHONE NO. **845-496-3732** DATE: **11-22-06**

STATE REPRESENTATIVE: **DR. LYDA W. DENNEY** PHONE NO. **315-829-4282**

THE STATE REPRESENTATIVE USES THIS FORM TO RECORD THE APPROVAL OR DENIAL  
OF CERTIFICATION AT THE TIME OF AN INITIAL VISIT OR AN ANNUAL REVIEW VISIT.

### NEW CERTIFICATION

☒ APPROVED

☐ NOT APPROVED

### RENEWAL CERTIFICATION

☐ APPROVED

☐ NOT APPROVED

LANDS OF KERN

PROPERTY LINE

IRC  
FC

CULVERT

CULVERT

WOOD FENCE

LANDS OF DECKER

F FOSSUM

LANDS OF MENKENS  
SEC 52 BLK 1 LOT 79.1

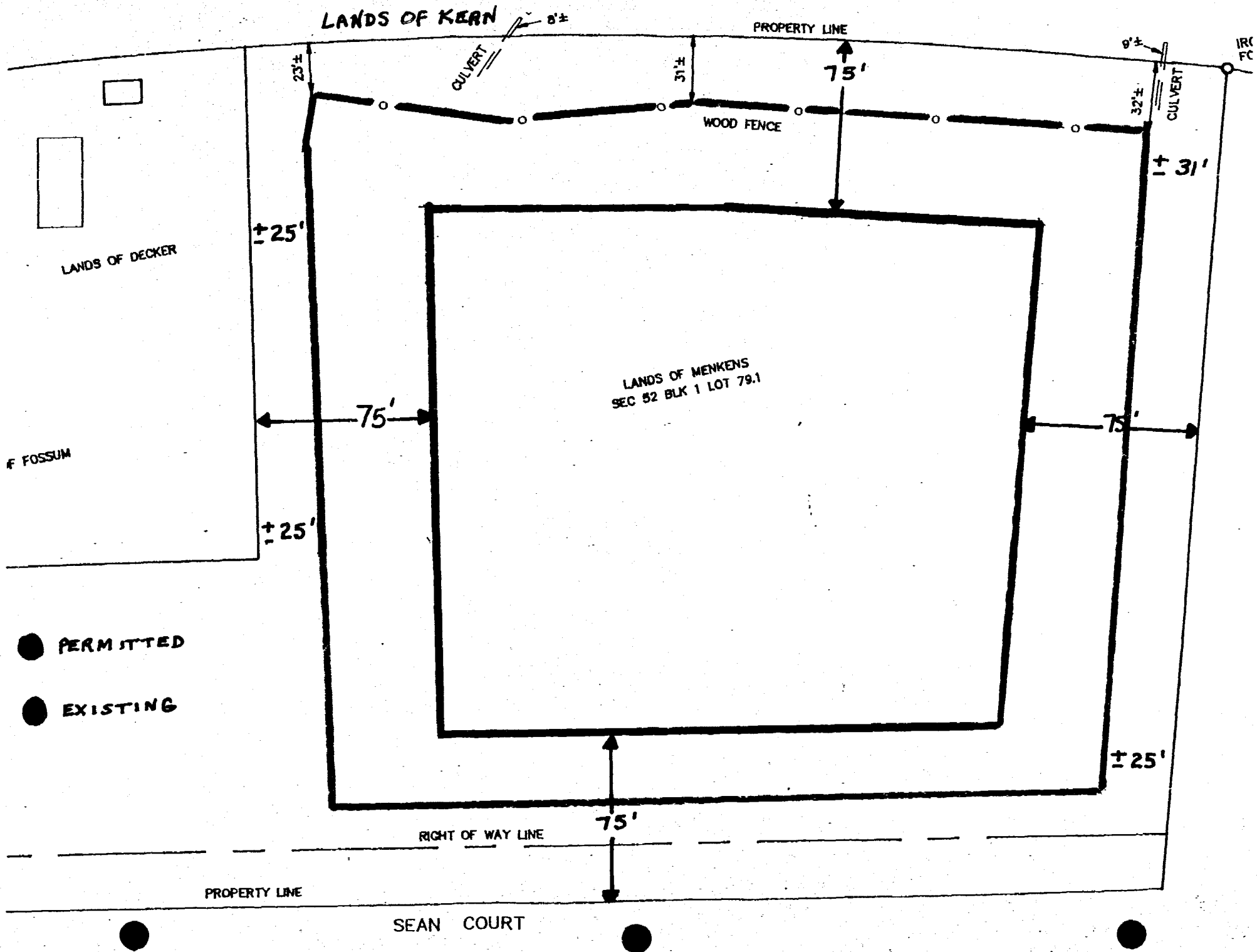
● PERMITTED

● EXISTING

RIGHT OF WAY LINE

PROPERTY LINE

SEAN COURT



# VIEW OF MENKENS PROPERTY FROM TOLEMAN ROAD

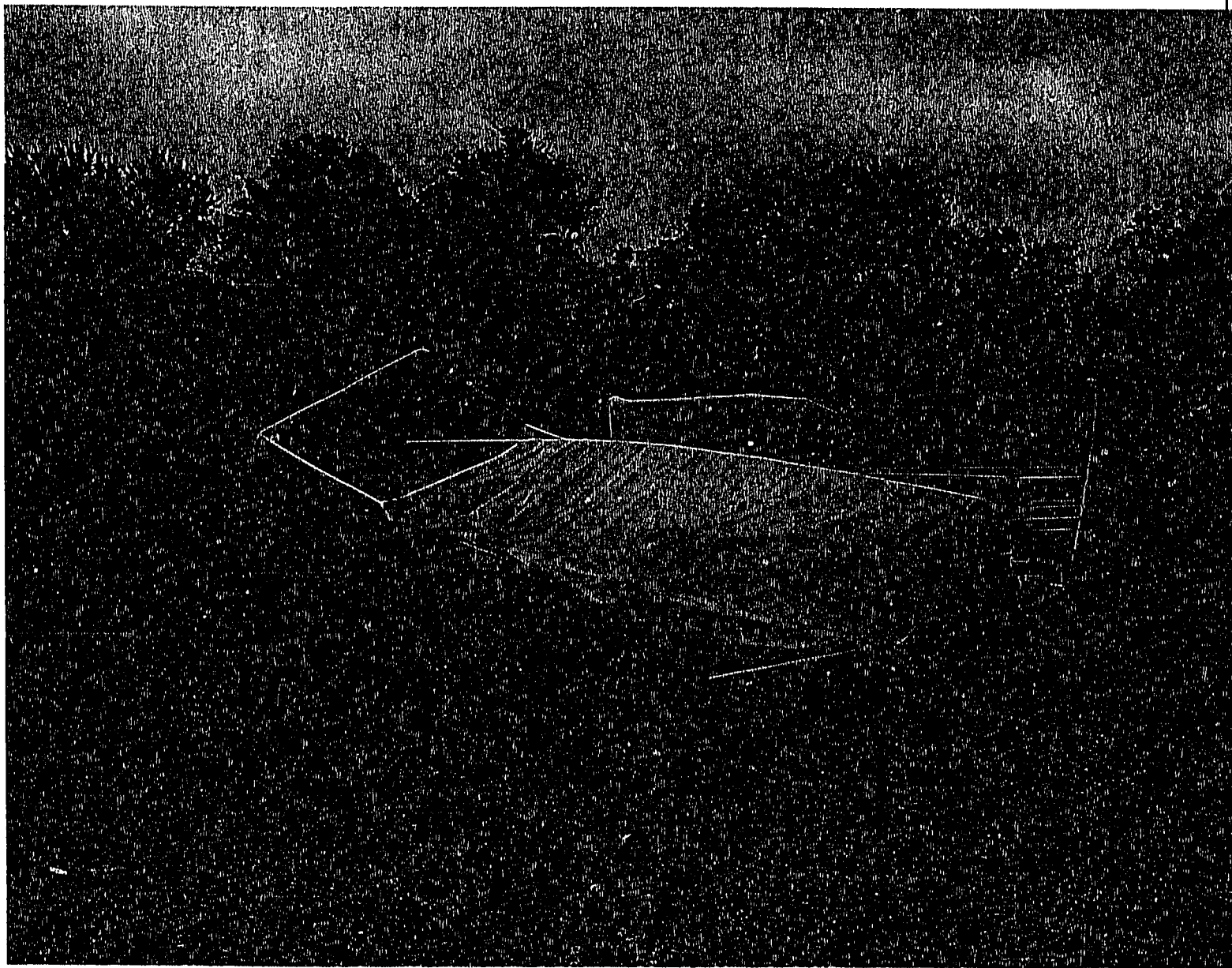


1

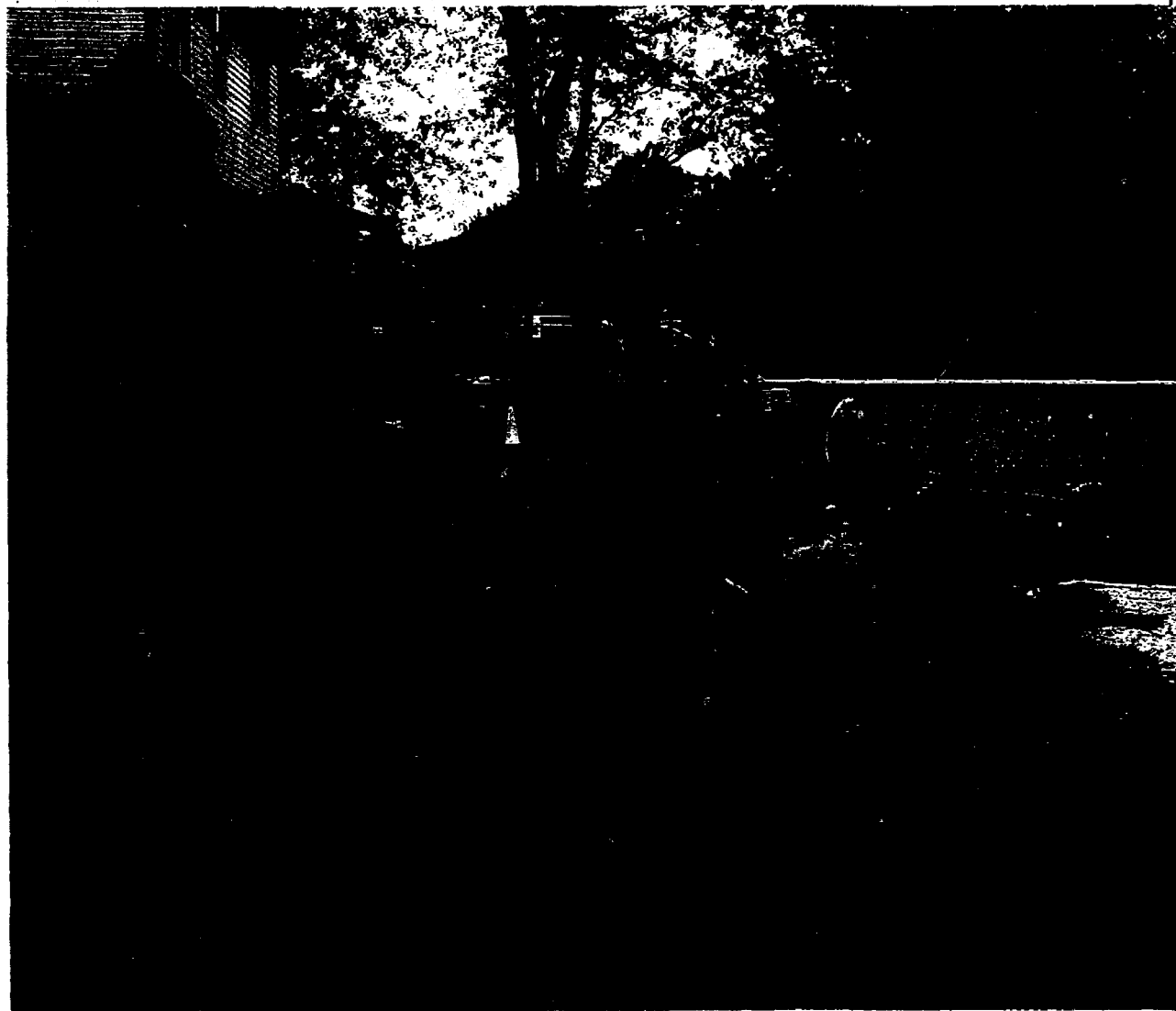
# VIEW OF MENKENS PROPERTY FROM SEAN COURT



# VIEW OF MENKENS PROPERTY FROM SEAN COURT

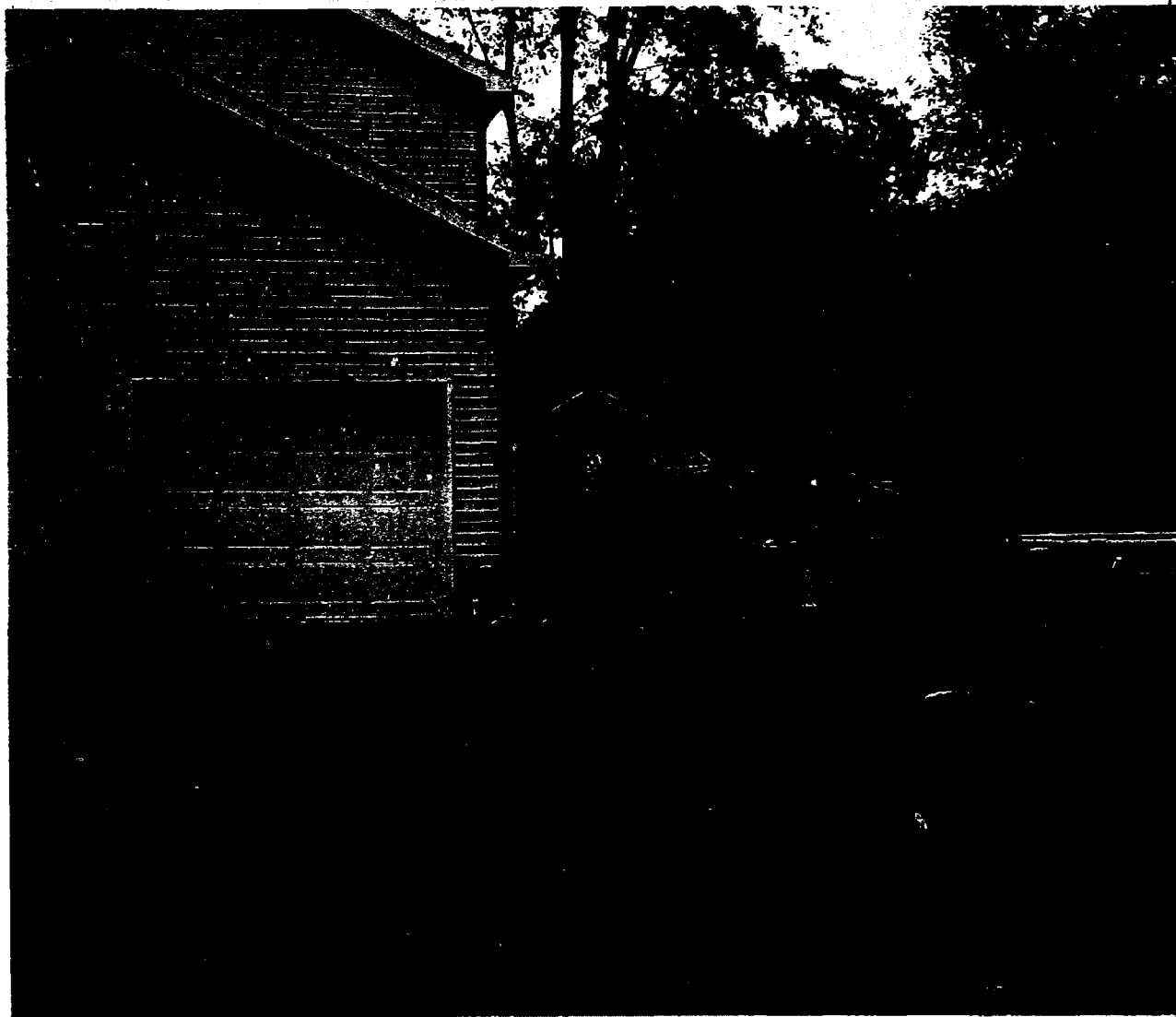


# VIEW OF MENKENS PROPERTY FROM SEAN COURT

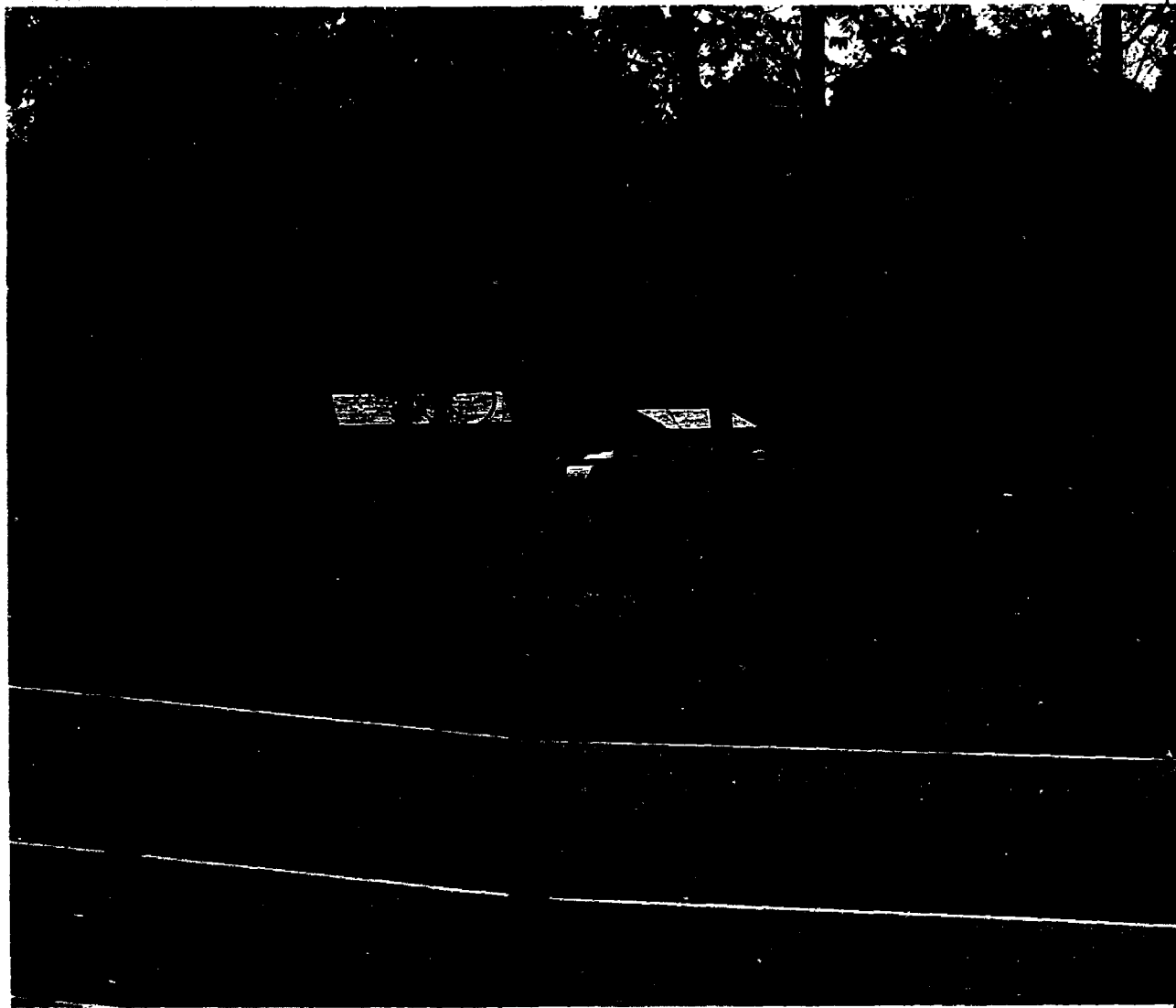


4

# VIEW OF MENKENS PROPERTY FROM SEAN COURT



# VIEW OF SIX (6) HORSES IN CORRAL



b



# HORSES, MANURE, AND PUDDLES

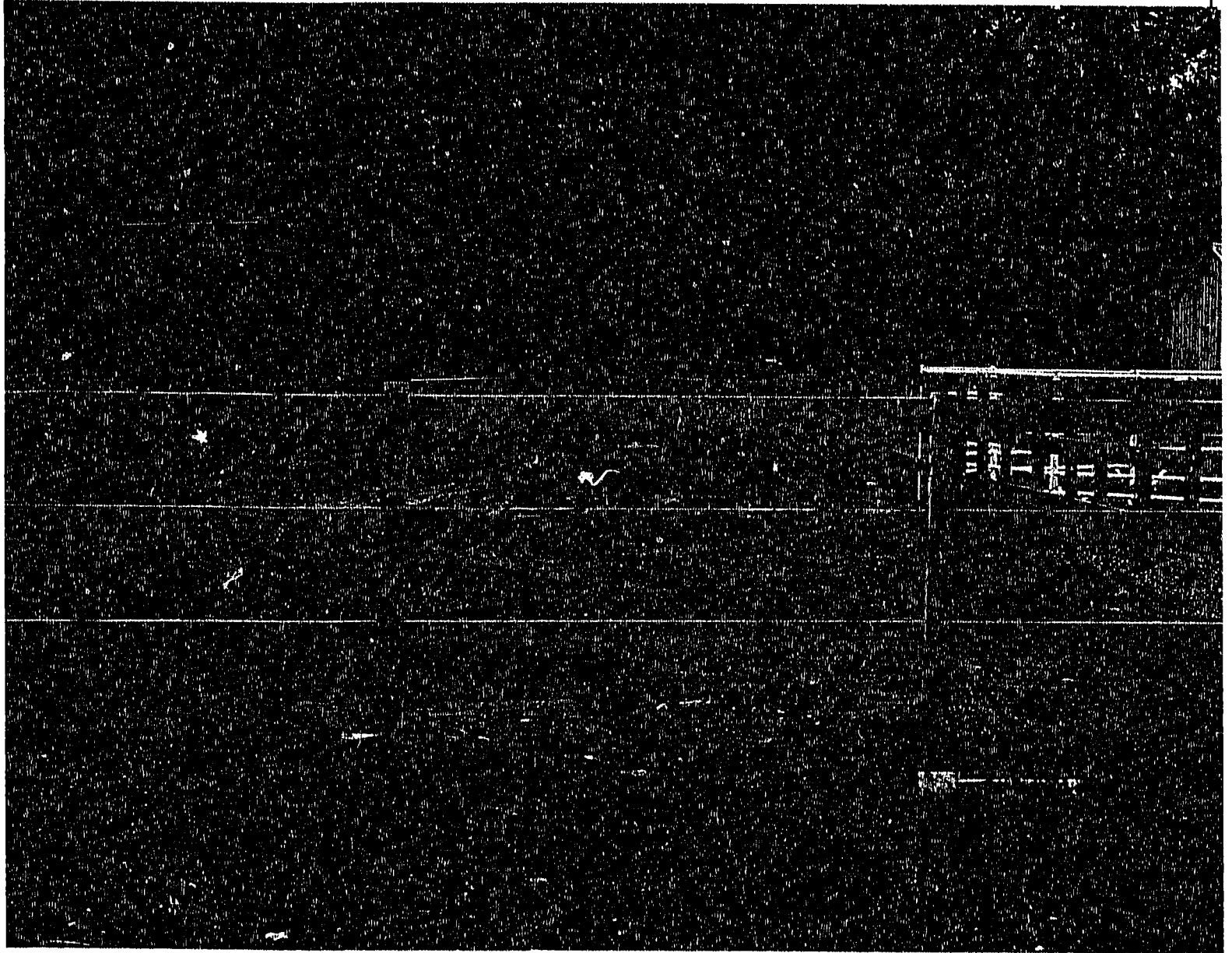


7

# HORSES LIVING ENVIROMENT



# VIEW OF CORRAL CONDITIONS AND MENKINS WELL



9

VIEW OF 8 STALL STABLE

FENCE CORNER 25' FROM  
STEELE PROPERTY LINE

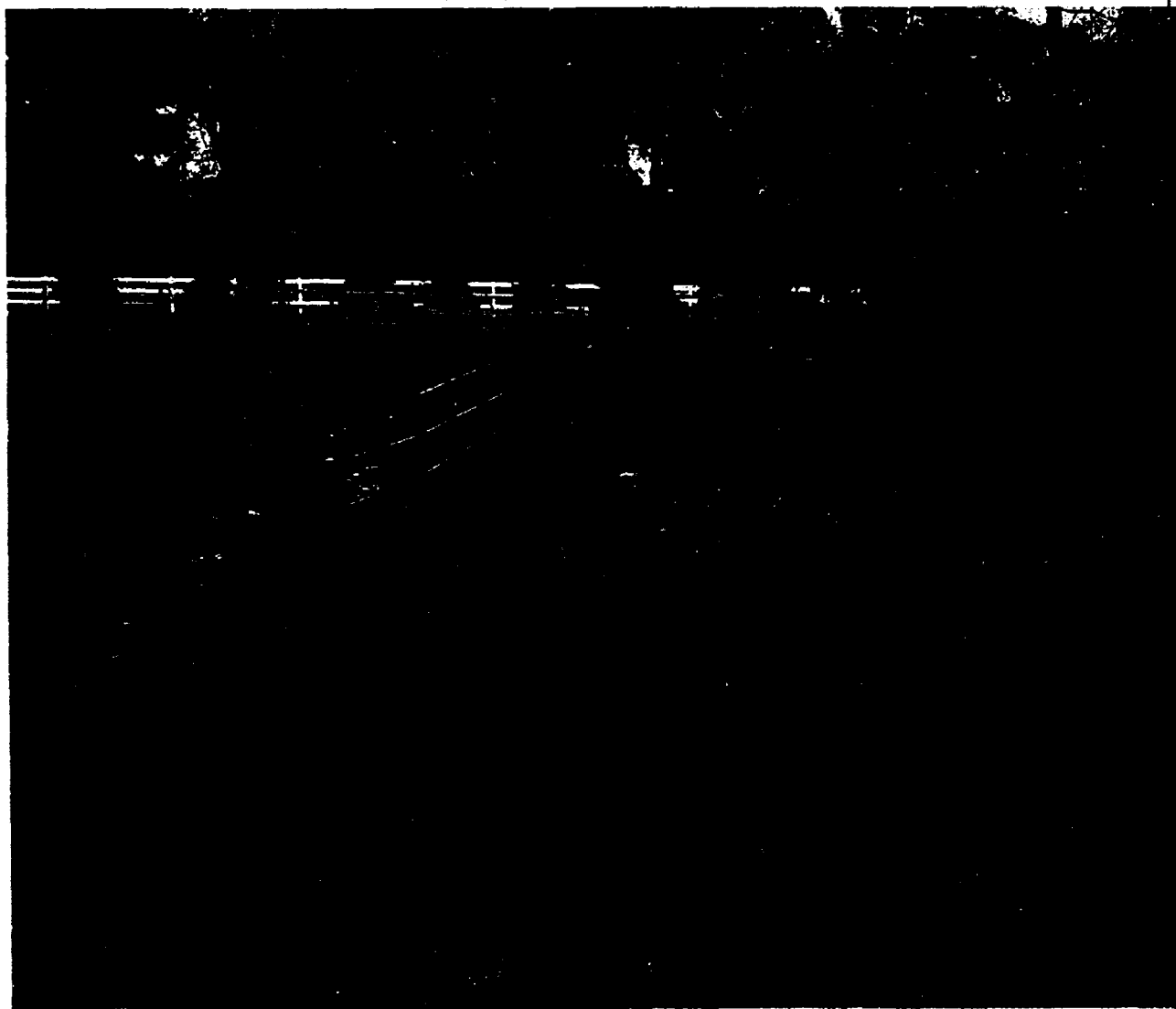


↑ 25 FEET ↑

10

FENCE TO PROPERTY LINE 25'

PROPERTY LINE



# PERSON MARKING PROPERTY LINE



12

# DISTURBED PROPERTY LINE FENCE



13

## DISTURBED PROPERTY LINE FENCE

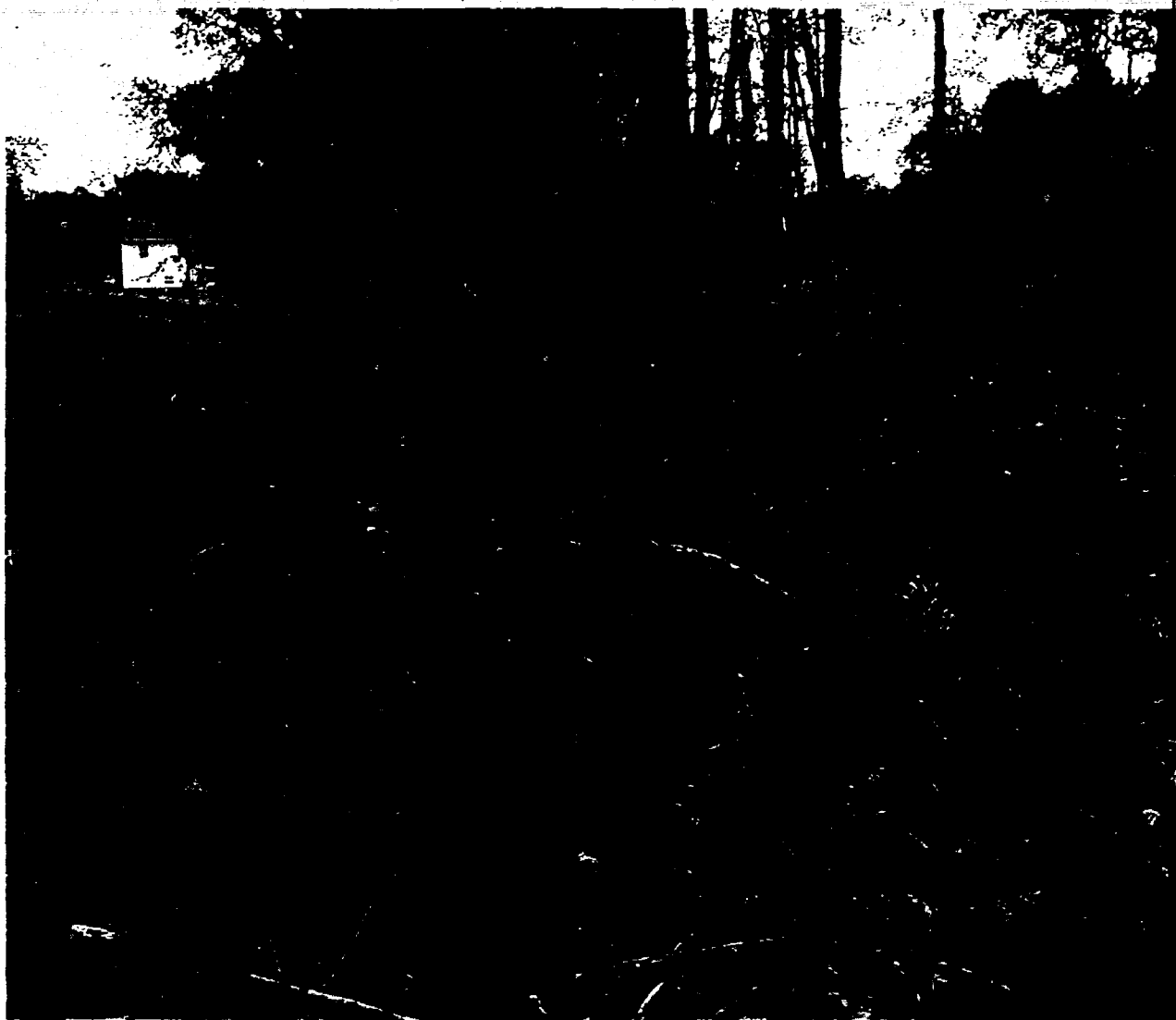


14



# DISTURBED KEAN PROPERTY

PROPERTY LINE



15

# 16" DRAIN EXTENDING 9' ONTO KEAN PROPERTY

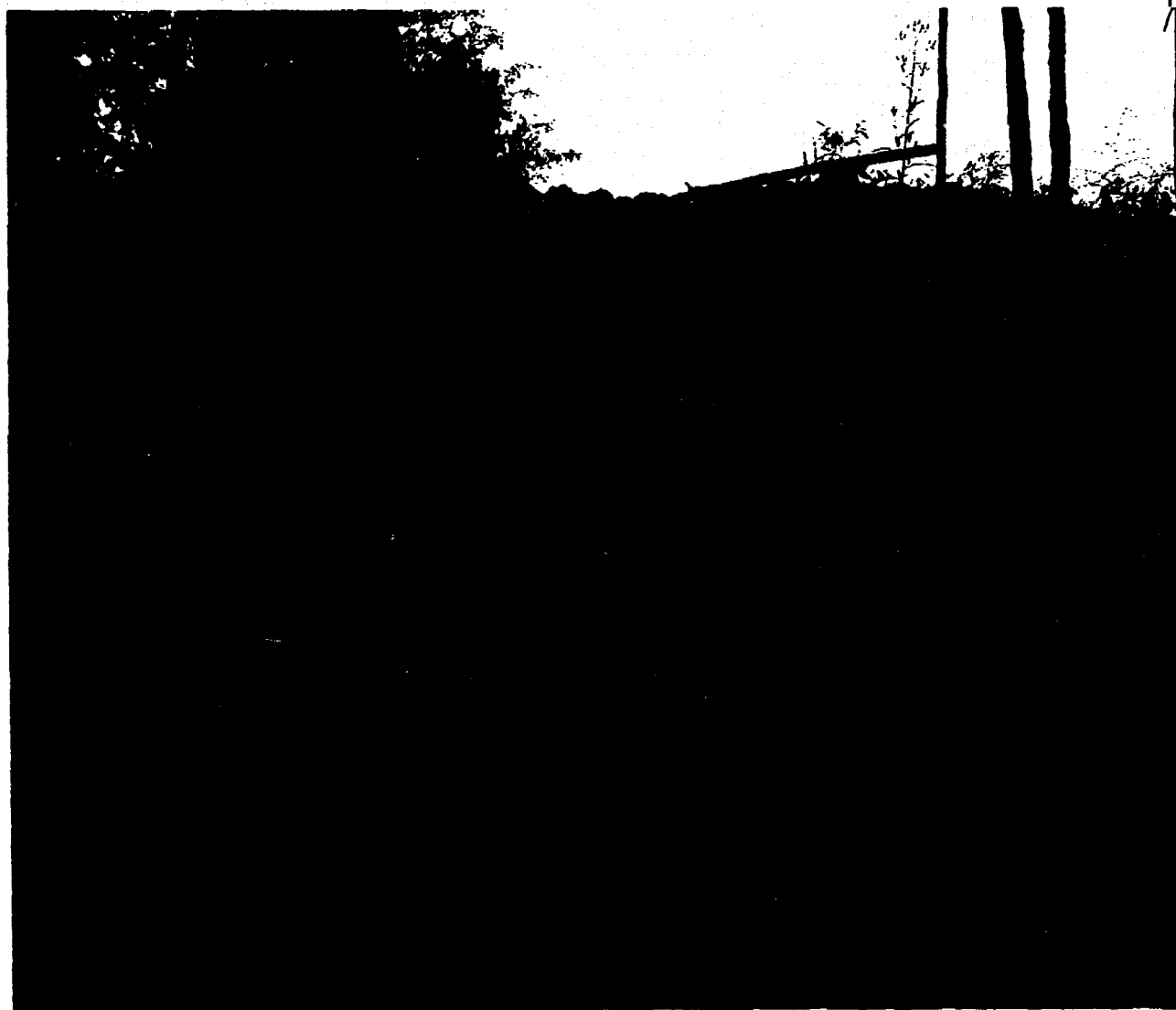
PICTURE TAKEN 8/27/06 5:42 p.m.



1b

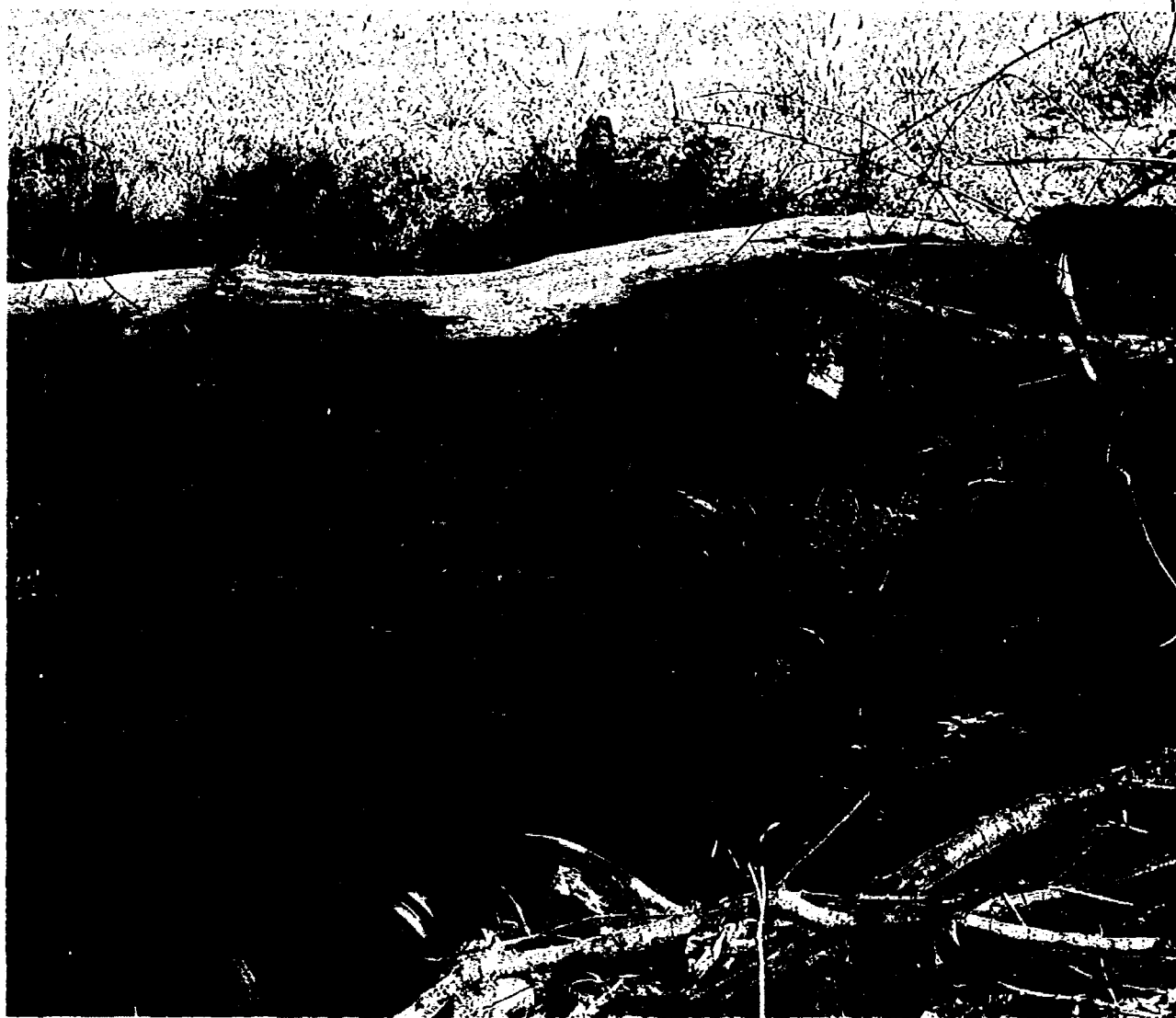
LOOKING UP AT FILLED IN DRAIN PIPE DITCH

PICTURE TAKEN 8/27/06

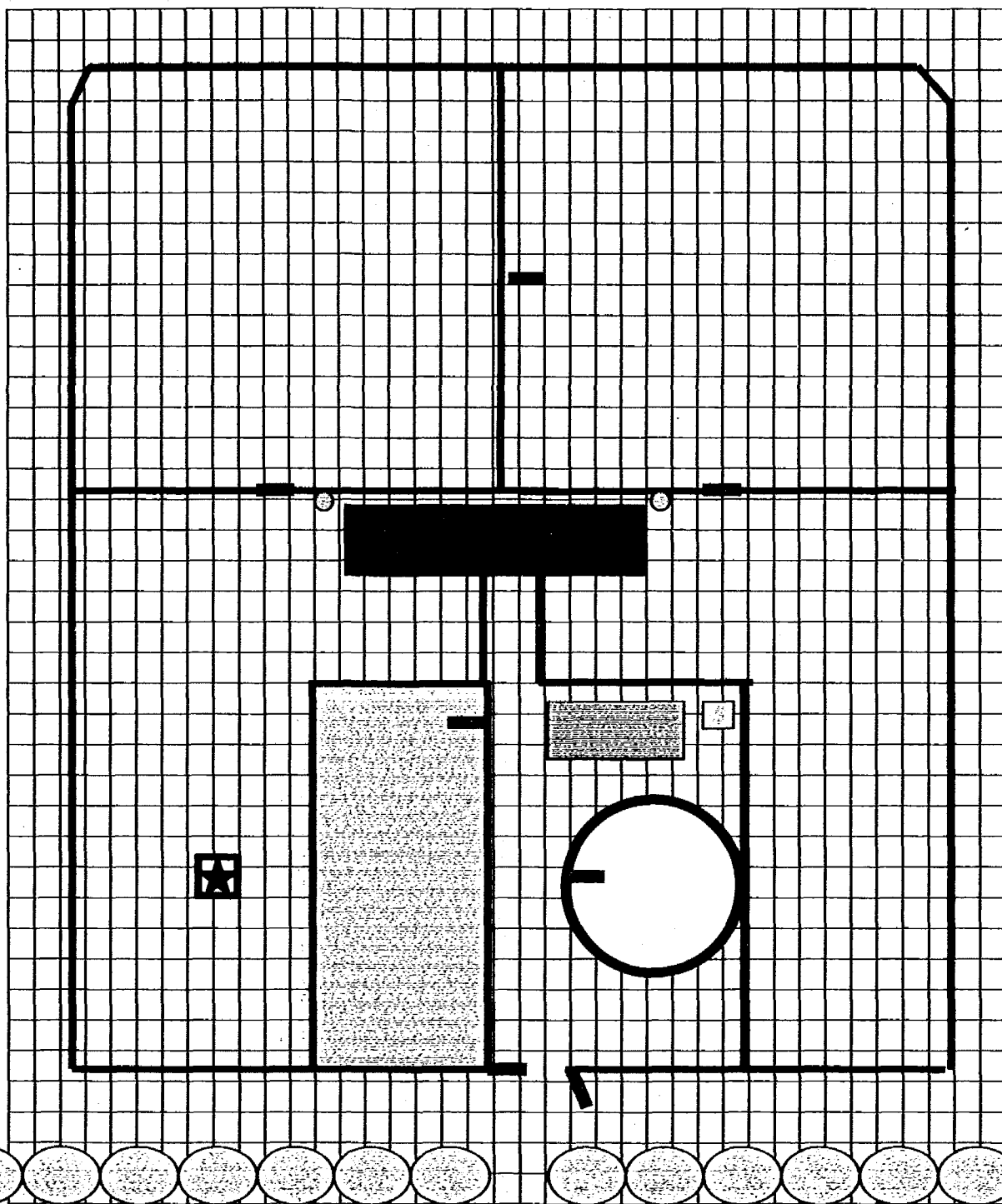


17

## SECOND 16" DRAIN EXTENDING 8' ONTO KEAN PROPERTY



18



Manure compost

Two Shed Barns

Play area/sitting area

6 Foot Gate

10 foot square box

Water

Outdoor Riding Arena

★ Well

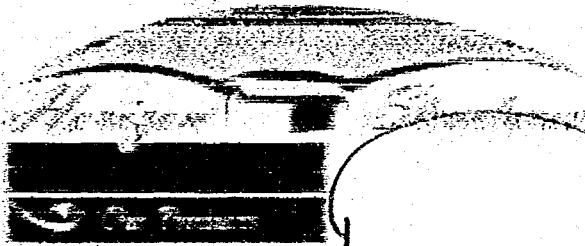
Round Arena

Evergreen Trees

Hay storage

2x6x6 pine fence  
with 6x6x8 post  
54 inches high

Sean Court

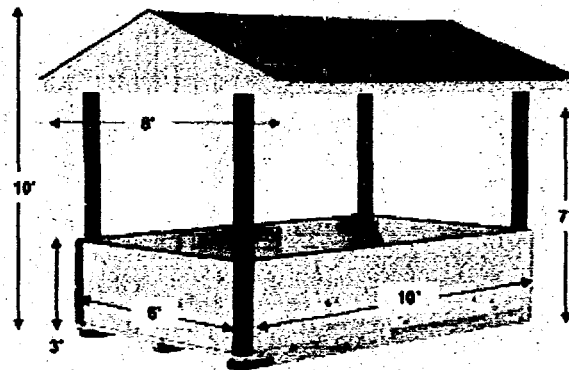


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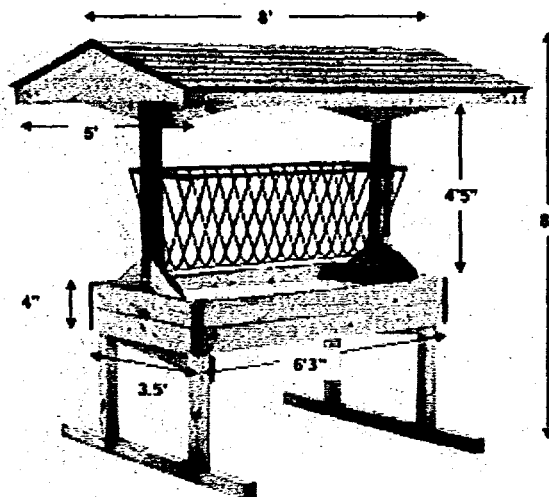
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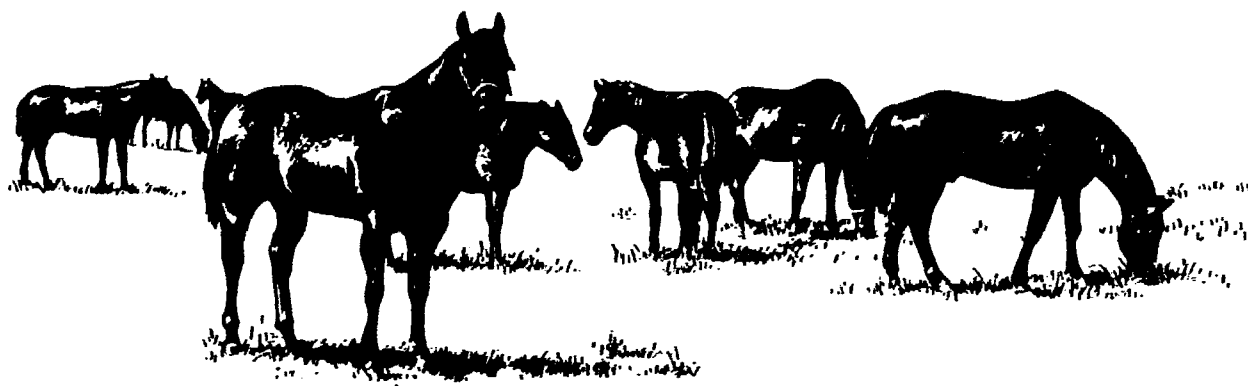
*Dan Undersander and Ray Antoniewicz*

Good pasture management practices can easily double the total forage produced in a field. Good management can also greatly extend the period over which adequate pasture is available for horses without the need for additional hay. For example, horses grazing on a poorly managed grass pasture will require supplemental feed throughout the growing season; the same acreage of a well-managed pasture can provide sufficient feed for most of the same period (figure 1). Adding a legume will increase forage production, reducing the need to purchase hay and grain. Additionally, horses grazing on well-managed pastures will remain in better condition and have improved health compared to those grazing on poorly managed pastures. This publication describes how to improve existing pastures, how to seed new pastures, and suggests strategies for getting the most potential out of pastures for your horses.

The first decision is whether the paddock is going to be used primarily for exercise or for nutrition (and exercise). Most horses benefit from exercise. Free exercise reduces behavior and respiratory problems, and improves bone growth. This need can be met on a relatively small, well-drained lot regardless of animal numbers.

If the pasture is to serve as a feed source, then the stocking rate (animals/acre) must be in a range so that the pasture can provide adequate tonnage of good nutritional quality forage. Horses generally eat 1 to 2% of their body weight daily. Thus, a 1000-lb horse requires about 10 to 20 lb of forage per day. The recommended stocking rate is 1000 lb of horse(s) per 2 to 4 acres. It makes no difference whether this is one 1000-lb horse or two 500-lb horses. Heavier stocking rates (more than one 1000-lb horse per acre) cause excessive trampling and reduced forage growth and quality. Trampled pastures will not be able to meet the animals' forage needs. As a result, animal condition will suffer unless supplemental feed is provided. Conversely, when stocking rates are below the recommended level (1000-lb horse on more than 2 acres), the horses will not be able to keep up with pasture growth. If pasture grasses are allowed to mature, they will provide low quality forage. The pasture will also become weedy and, possibly, overgrown with brush.

The recommended stocking rate is for average to good pasture under normal conditions. You may need to reduce the stocking rate if the horse has high nutritional requirements because it is working or pregnant, or if pasture productivity is reduced due to low soil fertility, drought, or low-yielding species such as Kentucky bluegrass.





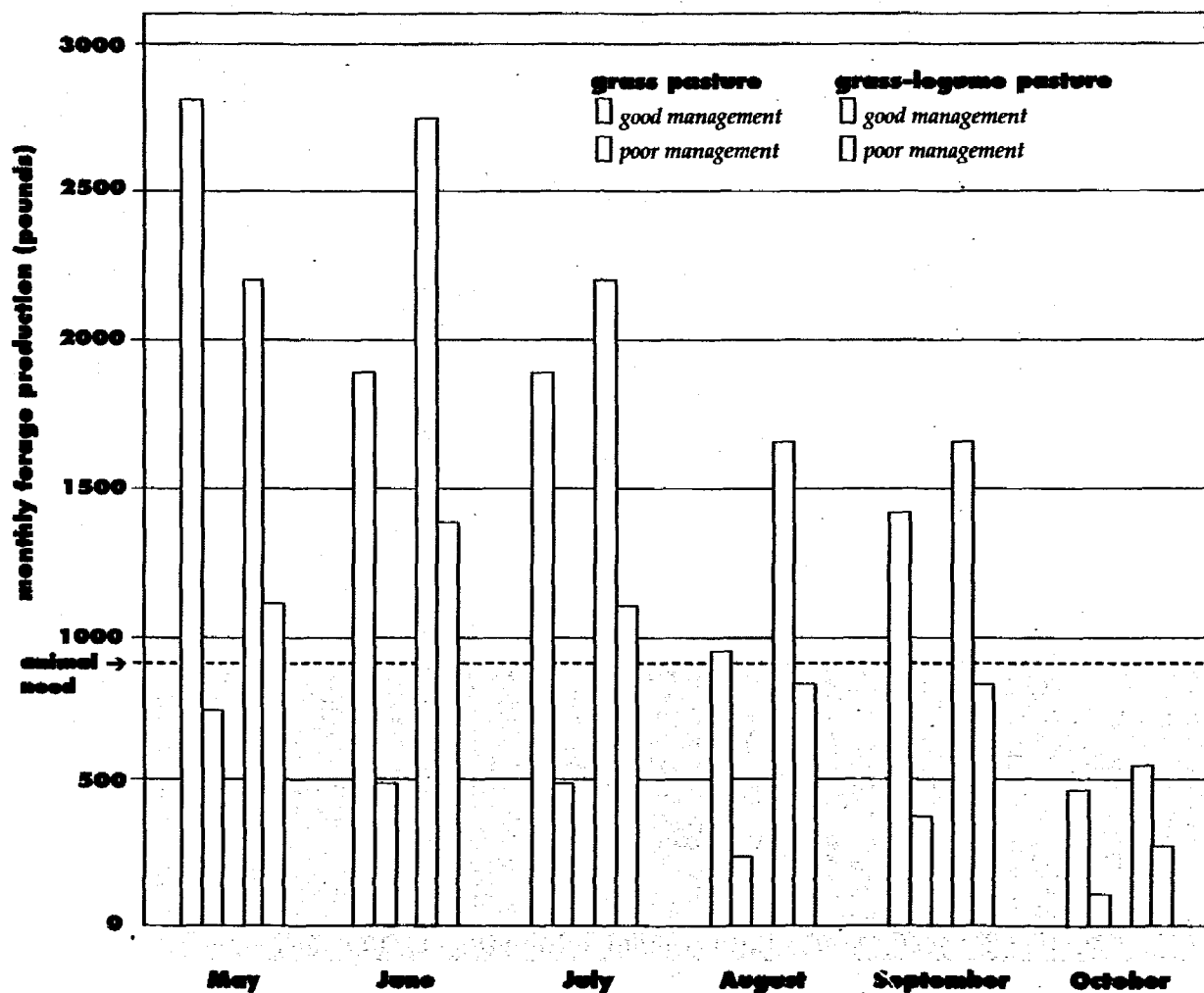
Whether you plan to improve an existing pasture or seed a new pasture, you should first test soil pH (acidity) and fertility. If the pasture soil is not at optimum fertility and pH, any seeding has a low chance of success. Divide the pasture into areas that have uniform soil color and texture as well as similar cropping histories. Sample each area randomly using a spade or soil sampling tube, taking samples to a depth of 6 inches. Place samples in a clean plastic bucket (minerals from metal buckets or materials such as feed can contaminate the sample). Do not take samples near roads, field

borders, or from distinctly different areas such as sandy ridges or eroded spots. Collect samples from several sites within a uniform area, combine samples, and send to a soil testing laboratory. Request analysis of soil pH, phosphorus, and potassium.

The soil test recommendations will tell you how much lime is needed to adjust the soil pH to the optimum level. Lime reacts slowly, so incorporate it 3 to 6 months before seeding. For best legume stands, incorporate lime in the fall—or earlier—and seed the next spring. If soil pH is above 5.8, lime and other fertilizer may be incorporated with tillage immediately before seeding. If soil pH is below 5.8 and you're unable to incorporate the

**Figure 1. Monthly forage production in 2-acre grass and grass-legume pastures.**

*A 2-acre pasture needs to produce at least 900 lb of forage per month to feed one 1000-lb horse; feed must be supplemented when production falls below that level.*



lime 3 to 6 months before seeding, then incorporate the lime at seeding and interseed the legume later.

*Improving (renovating) an existing pasture.* Most commonly, a pasture already has a grass (and weed) cover. In these cases, the most economical and environmentally sound practice is to renovate the pasture rather than to plow it and start over. The principle is to control the weeds first and then interseed a legume into the existing grass.

Begin renovation by controlling serious weed problems. The most common serious weed problems in pastures are thistles and brush. These can be controlled by repeated mowing or with a timely application of an appropriate herbicide (table 1). The key word is "timely." Applying an appropriate herbicide when weeds are at the wrong stage of growth will often give poor weed control. Follow label instructions for rate, timing, and other restriction information.

Test the soil for the pasture as described earlier. Fertilize as recommended on the soil test results. If lime is recommended and you intend to seed

legumes, apply a fine grade of lime to the soil surface and/or use a legume that grows in a lower soil pH (more acid soil). Alfalfa has an optimum soil pH of 6.8, red clover performs best at 6.2, and birdsfoot trefoil and other clovers prefer 6.0.

There are two methods for seeding legumes into grass sod, frost seeding and no-till drill. Frost seeding is the practice of broadcasting legume seed on the pasture surface in the spring after the snow is gone but while the ground is still frozen. The fall before seeding, graze the pasture short so that broadcast seed can fall on the soil surface. In early spring (mid-March or as soon as the snow is gone) broadcast red clover at 2 to 4 lb/a or birdsfoot trefoil at 4 lb/a. Frost seeding is inexpensive and increases the percentage of legume in the pasture but does not provide uniform mixtures of grass and legume. The success of this method depends on cool, moist spring periods.

Seeding using a no-till drill places the seed directly into the soil. This method is more expensive than frost seeding but is more reliable and provides more uniform grass-legumes mixtures. Use the same seeding rate as for frost seeding.

**Table 1. Herbicides for controlling weeds in horse pasture.** Check current labels before using herbicides.

Weed	Herbicide	Timing	Horse pasture restrictions
Broadleaf weeds	Weedmaster	Treat actively growing weeds.	Do not graze for 7 days.
Brush	Spike	Treat when ground is not frozen. Treated brush may take several months to die.	No grazing restriction. All vegetation in the treated area will be killed; nothing will grow on treated soil for 2 years.
Canada thistle, multiflora rose, musk thistle, others	Ally	Treat when thistle is 6 inches tall and when multiflora rose has leafed out.	Will kill legumes. No grazing restriction.
Canada thistle, most brush species, others	Crossbow	Treat when weeds have leafed out and are rapidly growing.	No grazing restriction if less than 2 gal/a is applied.
Canada thistle	Stinger	Treat thistle at prebud stage.	No grazing restriction.
Canada thistle, quackgrass, others	Roundup	Treat actively growing weeds.	Do not graze for 14 days.
Thistle, broadleaf weeds	2,4-D	Treat when annual broadleaves are seedlings. Treat actively growing biennials, like bull and musk thistle, in the rosette stage. Treat actively growing perennials, like Canada thistle, in bud to early flowering stage.	Do not graze for 7 days after application

*Adapted from Field Crops Pest Management in Wisconsin (A3646)*

**Table 2. Pasture seeding mixtures (select a column based on water drainage)**

Mixture	—Well-drained soils—				—Less well-drained soils—					Poorly drained	
	1	2	3	4	5	6	7	8	9	10	11
<b>Long-lived grass</b>	seeding rate, lb/acre										
Kentucky bluegrass						10					
Orchardgrass	2-4		2-4				2-4				
Reed canarygrass											6
Sm. bromegrass		3-6		3-6	3-6				3-6		
Timothy					2-4			3-4	2-4	2-4	
<b>Legume</b>											
Alfalfa	4-6	4-6									
Alsike clover									3		
Birdsfoot trefoil										6	
Ladino clover									1		
Red clover			4-6	3-6	6		6	6			
White clover						4					
<b>Cover crop</b>											
Annual ryegrass	2	2	2	2	2	2	2	2	2	2	2

**Table 3. Characteristics of pasture mixtures listed in table 2**

Mixture	Appearance	Yield	Traffic
1	excellent	excellent	fair
2	fair	excellent	good
3	excellent	excellent	fair
4	fair	excellent	good
5	fair	excellent	good
6	excellent	fair	excellent
7	excellent	excellent	fair
8	fair	good	fair
9	fair	good	fair
10	fair	good	fair
11	fair	excellent	excellent

When planting a legume into a grass pasture, it is important to keep the existing grass sod from crowding out newly seeded legumes. To reduce competition, graze or mow the grass when the legume seedlings are emerging (1 to 2 weeks after seeding). This early grazing will not hurt the new seedlings if horses are on the pasture for only 1 to 2 days. The pasture should be grazed again whenever the grasses shade the newly seeded legumes (8 to 10 inches tall).

In most situations some pasture sod is present and the best recommendation is to renovate the existing pasture rather than to till the area and reseed. However, where a row crop field is being converted to pasture or where pasture sod does not exist for some other reason, it may be necessary to seed new pastures.

Prepare the field for seeding by plowing or chiseling the field and then further tilling to provide a smooth, clod-free surface. Seeding may be either in the spring (late April to early May in southern Wisconsin and 2 to 3 weeks later in central and northern Wisconsin) or in late summer (during the first 3 weeks of August in central and southern Wisconsin).

All seeding mixtures should have three components:

1. One or more long-lived
2. a
3. a , such as annual ryegrass, that emerges rapidly to prevent erosion and to control weeds.

Table 2 lists recommended seeding mixtures and table 3 describes the characteristics of each mixture. A cover crop is always recommended. It should be a species that germinates rapidly to hold

the soil in place and keep weeds down until the other species are established. The cover crop most often recommended is annual ryegrass, which should be included in the mixture at 2 lb/a. Seeding ryegrass at higher rates may cause it to crowd out the other components of the pasture mixture. The long-lived grass may be Kentucky bluegrass where a good sod is desired with attractive appearance. The alternatives are timothy or smooth brome grass or more commonly a mixture of the two where higher tonnage of forage production is desired. The legume should be white clover where Kentucky bluegrass is seeded or alsike clover in wet areas. Red clover is most commonly used with timothy or smooth brome grass, although birdsfoot trefoil is sometimes used on wetter soils and alfalfa (4 lb/a) can be used on well-drained soils.

For uniform seeding, place the grass (except bluegrass) and legume seeds in separate boxes on the seeder or seed with separate passes over the field. If seed is mixed together, the larger grass seeds separate from the legume seeds as the seeder bounces across the field. This results in more legume in some areas and more grass in others. Seed should be drilled  $\frac{1}{4}$ - to  $\frac{1}{2}$ -inch deep or seeded with a Brillion seeder. A drill seeder should have press wheels after the disc openers to pack the soil after the seed is placed in it. Providing a firm seedbed improves germination through good seed-soil contact. Do not till the field with a disc or harrow after seeding.

Pastures can be grazed in the seeding year when growth is 12 inches tall. It is best to graze intensively for 1 to 2 days and then to rest the pasture. Do not leave horses on newly seeded pasture when soil is wet. In the second year, after the sod has developed, horses can remain on wet pastures for 1 to 2 days.



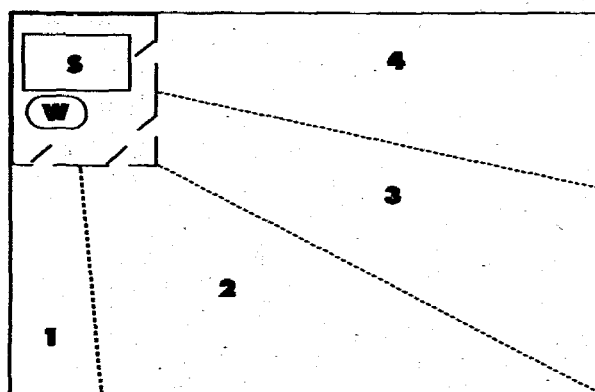
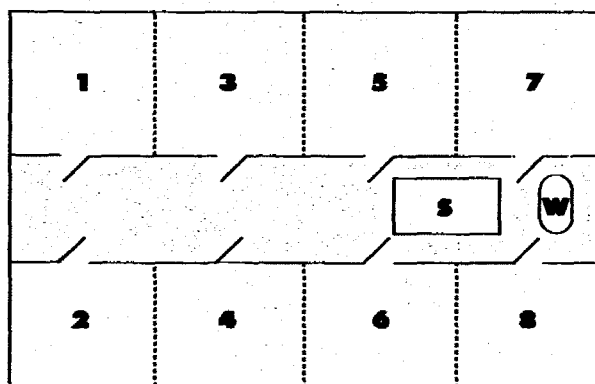
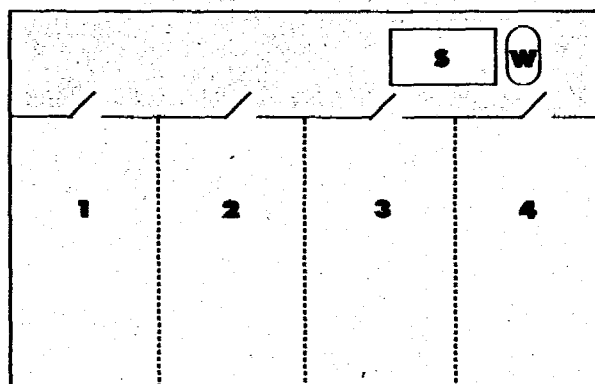
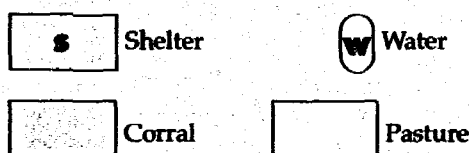
Proper management practices have a greater effect on productivity throughout the growing season than almost any other factor, including pasture species. Well-managed grass pastures can provide adequate amounts of protein and energy for 6 to 7 months of the year, while poorly managed pastures will rarely produce enough forage to meet animal needs (figure 1). Thus, pasture management will determine the amount of forage available from pasture and the amount that needs to be purchased. The following practices will lay the groundwork for a good pasture management program.

The stocking rate should be one 1000-lb horse per 2 to 4 acres. Horses eat in proportion to their weight, i.e. two 500-lb horses eat about as much as one 1000-lb horse if all other factors (age, sex, activity level) are equal. Further discussion will assume 1000-lb horses and you can make adjustments to horse number based on weight of your horses.

Draw a map of your property or get an aerial photograph from the USDA Consolidated Farm Services Administration office in your county. The map should include fences, gates, and shelters. Include water, slope of land, types of vegetation and weed concentrations. Know the soil type of the land (particularly, whether it's all the same). Different soil types will have different production potential and will be best adapted for different species. This information can be obtained from the local USDA Natural Resources Conservation office in your county.

Have soil tested for fertility and pH level before seeding and every third year thereafter. Take soil samples using a soil corer or shovel to sample 6 inches deep. Have it analyzed to determine how much lime and the types and amounts of fertilizer needed.

**Figure 2. Sample designs for a rotational grazing system**



**Plan a rotational grazing system.** Grazing horses on smaller, multiple pastures will increase forage production without changing the stocking rate. Confining horses to a portion of the pasture encourages them to graze a higher percentage of the available forage and allows the remainder of the pasture to recover from grazing and hoof damage and to regrow at a faster rate. Several possible pasture designs are shown in figure 2. Your system will vary to fit your land and management style, but you should follow one of the basic designs.

When setting up a rotational grazing system, choose a number of pastures that fit your farm and grazing style. Pastures need not be uniform in size. Horses eat tonnage, so place fencing based on tonnage needed and seasonal growth of the grasses—not acres. All pastures must allow access to water. Fence lines should be drawn based on topography, soil productivity, and vegetation present. For example, low wet areas should be fenced separately from hilltops. It's important to fence similar vegetation because some species start growing earlier in the season, some grow better during summer, and legumes should be rested, not grazed, in the fall prior to killing frost.

**Use seasonal pasture plant growth patterns and needs.** Cool-season pasture grasses begin growth early in the spring and produce half or more of their yield in May and June. They grow little during the hot, dry summer and begin to grow again in late summer. Grasses can grow in a wide range of soil pH and require moderate amounts of nutrients other than nitrogen. Nitrogen must be applied to grass pasture to produce adequate growth. Nitrogen fertilizer is immediately taken up and used only for the current growth period. For example, spring-applied nitrogen fertilizer will not be available for summer or fall growth. Greener grass rings around manure piles in the pasture are indications that the pasture may be nitrogen deficient to the extent that it is limiting

pasture yield. Consider applying nitrogen fertilizer as urea three times annually: April 15 for spring growth, June 15 for summer growth, and August 1 for fall growth. The first application may be skipped if spring growth exceeds needs.

Legumes are a high-quality forage that begin growth later in the spring than grasses but provide slightly more growth during the summer. Legumes require higher soil pH (6.0 to 6.8, depending on the species) and more potassium than grasses. If growing conditions are good, legumes fix their own nitrogen from the air and do not require nitrogen fertilization.

It is a good practice to combine grasses and legumes in pastures. The varying growth patterns will provide more uniform pasture during the growing season. If legumes make up 40% of the pasture, nitrogen fertilizer is usually not needed.

Pasture plants have high energy and protein contents until they begin to flower, or head out. Therefore, grazing management should be designed to prevent or reduce heading. Pasture plants that are grazed too short will have reduced leaf area and recover more slowly to produce less yield for the season.

Horses can start grazing pasture as soon as plants green up in the spring. (They can graze earlier if leafy residue from last year is present). As pasture begins to grow, move animals among pastures so that each pasture is grazed about every 2 weeks during May. During the remainder of the season, the goal, except on bluegrass pasture, should be to put horses on pasture when grass growth is 10 inches tall. Animals should be moved to a new pasture when they have grazed pasture down to 4 inches. Bluegrass pasture does not grow as tall as other species and tolerates close grazing. It should be grazed when 6 to 8 inches tall and can be grazed down to 2 inches.

Grazing height recommendations should be tailored to grazing conditions. For example, in early summer when growth is lush, allow horses to graze only the top off of all pastures, leaving more than 4 inches of growth. On the other hand, during late summer or under dry conditions, it may be necessary to put horses into a pasture before it is 10 inches tall and to graze until less than 4 inches residue is left.

### Additional Information

For more information on related topics, see the following publications available from your county Extension office:

*Determining Pasture Condition* (A3667)

*Field Crops Pest Management in Wisconsin* (A3646)

*Forages for Horses* (A2460)

*Identifying Pasture Grasses* (A3637)

*Pastures for Profit – A Guide to Rotational Grazing* (A3529)

*Sampling Soils for Testing* (A2100)

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**A3680 Pastures for Horses**

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# COMPOSTING FOR SMALL SCALE LIVESTOCK OPERATIONS

## 1. Why Compost?

Composting livestock manure is an excellent manure management technique for small-scale livestock operations. By collecting manure on a daily or weekly basis from paddocks, stalls, and confinement areas you are not only providing a healthy environment for the livestock but you are also being environmentally friendly.

Composting not only provides the owner with a free source of compost for the yard, garden, and pastures that will benefit plants by slowly releasing nutrients, but it also reduces flies, odors, mud in confinement areas. Composting decreases the possibility of parasite re-infestation, and prevents the introduction of weeds by sterilizing weed seeds found in the manure.

## 2. Decide on the number of bins you will need.

You will need at least two bins, depending upon the number of livestock you have will determine if additional bins are necessary. The average 8' x 8' x 5' storage bin will hold approximately 320 ft<sup>3</sup> of material. Below is a general guide of how many bins you will need based on the number of stalls you have. When planning your compost bins remember that you can never have too much storage.

## 3. Site Selection

When planning to install a compost bin or manure storage structure site location is very important. You will need to find a high, level area on your property. Do not put the composter in a low lying area or you will have

problems with too much water. Remember to locate the composter far away from creeks, ditches, wetlands, or other water bodies. Check with your township or municipality to see if there are any regulations on where you can install a composter.

For your convenience you will want to consider having the composter closer to the barn and paddock areas to make cleaning up easier and less time consuming.

## 4. Bin Selection

Next you will need to decide what type of compost bin you would like to install. In this fact sheet there are numerous designs for compost bins made from materials that are easily purchased at any home improvement store. Each bin design includes a materials and tools listing for your convenience.

## References:

Healthy Horses, Clean Water. Horses for Clean Water. A Guide to Environmentally Friendly Horsekeeping. Alayne Renee Bickler and Horses for Clean Water. 2000 2001

Building a Compost Bin. Missouri University Fact Sheet. University of Missouri – Columbia Fact Sheet.

*Prepared by members of Pennsylvania's Small Scale Livestock Committee.*

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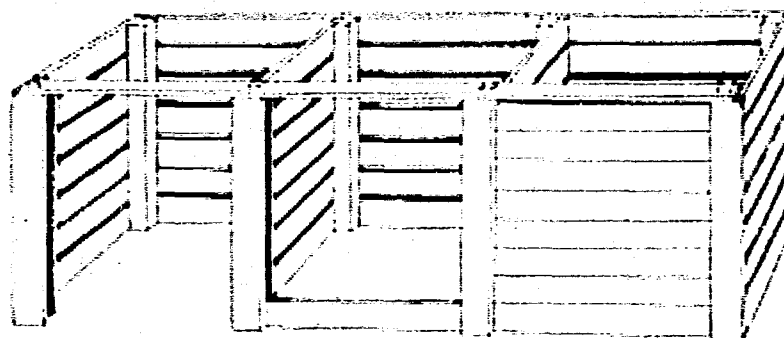


## Wooden Three-Bin Turning Unit

This turning unit is a permanent, sturdy structure, but it may be difficult to space the posts to the exact dimensions illustrated. Before cutting the removable slats that slide into the grooves at the front of each bin, cut one slat and check for proper fit in each bin.

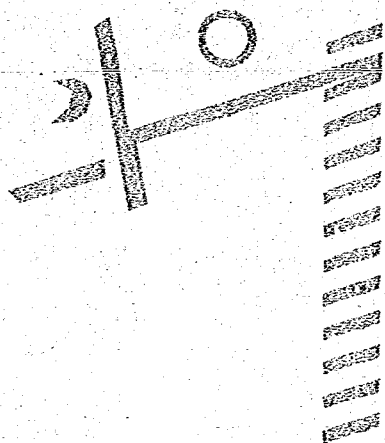
Below are supplies needed to build a three bin composting system.

<b>Supplies</b>	<b>Equipment</b>
8 – 4" x 4" x 6' Posts	Drill with screwdriver head & bit or hammer
7 – 1" x 6" x 12' Back Slats	25' tape measure
14 – 1" x 6" x 4' Front Slats	Chain saw or hand saw
14 – 1" x 6" x 46 1/4" Dividers	Carpenter's level
24 – 1" x 6" x 42 13/16" (approximately) Front Slats	Post hole digger
4 – 1" x 1(+)" x 4' cleats, rip cut from one four foot 1 x 6	Tamping rod or similar tool
8 d galvanized deck nails or screws	
One tube exterior construction adhesive	
1 – 1" x 6" x 12' top rail (optional)	

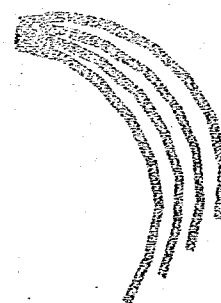


1. On level ground, set the posts using a posthole digger. Embed each post at least 2 feet into the ground. Be sure all posts are plumb (perpendicular to the ground). The top of each post should be at the same distance above the ground.
2. Nail (or screw) on the back and side slats and dividers (pre-drill all holes to prevent splitting). Use adhesive on all joints. The bottom slats should be at ground level. Leave 1½-inch (horizontal) space between slats. Note that the ends of the dividers should come out to 1 inch behind the front of the front posts.
3. Install the fronts and cleats.
4. After the front slats have been sized and cut, slide them into place between the fronts and cleats.
5. (Optional) Nail the top rail to each front post. Do not use adhesive, and do not drive the nails in fully, as the top rail will need to be removed to allow access to the slats.

3. Insert the landscape timbers, one on top of another, sliding them between the 2" x 2" boards.



# The Menkens' Horse Family





This is Michael's yearly Little Girl.



This is Larry's horse Little Man riding with a friend.



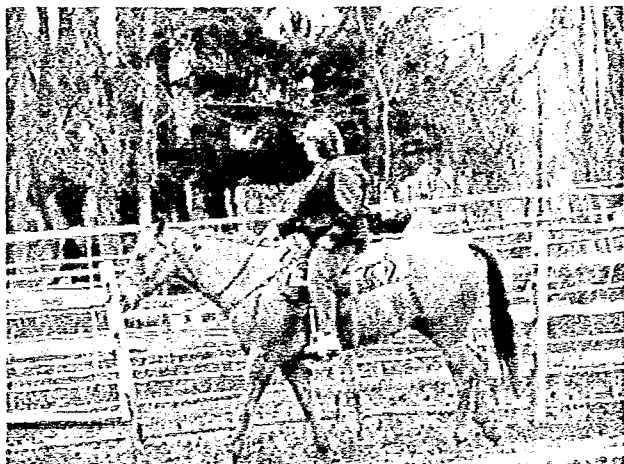
Matthew riding Lucy.



Michael riding Lucy.



This is Matthew with his pony Lucy.



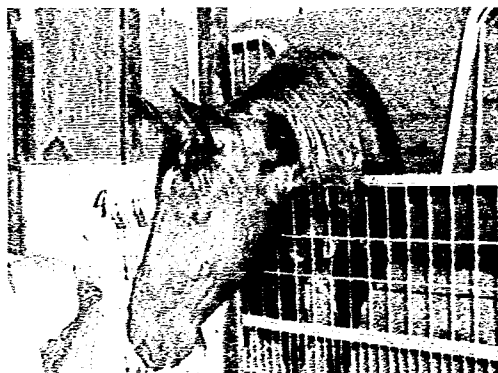
This is me riding my father's horse Cody.



Cody and my father, Cody is looking for a treat. Dad hides them in his pocket.



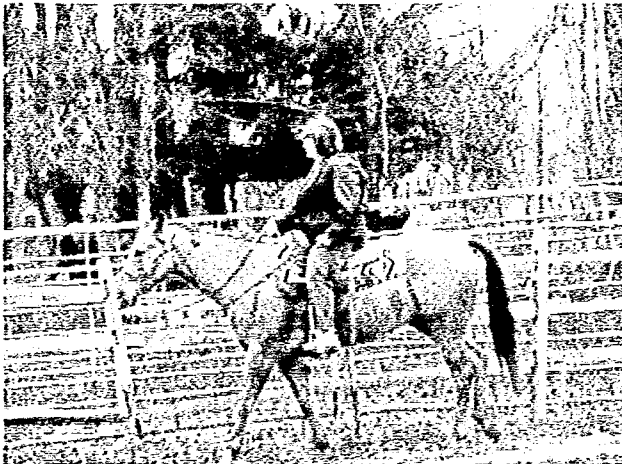
My mother's horse Gallo. He pulls a carriage.



Gallo is waiting for his treat from my father.



This is Matthew with his pony Lucy.



This is me riding my father's horse Cody.



Cody and my father, Cody is looking for a treat. Dad hides them in his pocket.



My mother's horse Gallo. He pulls a carriage.



Gallo is waiting for his treat from my father.



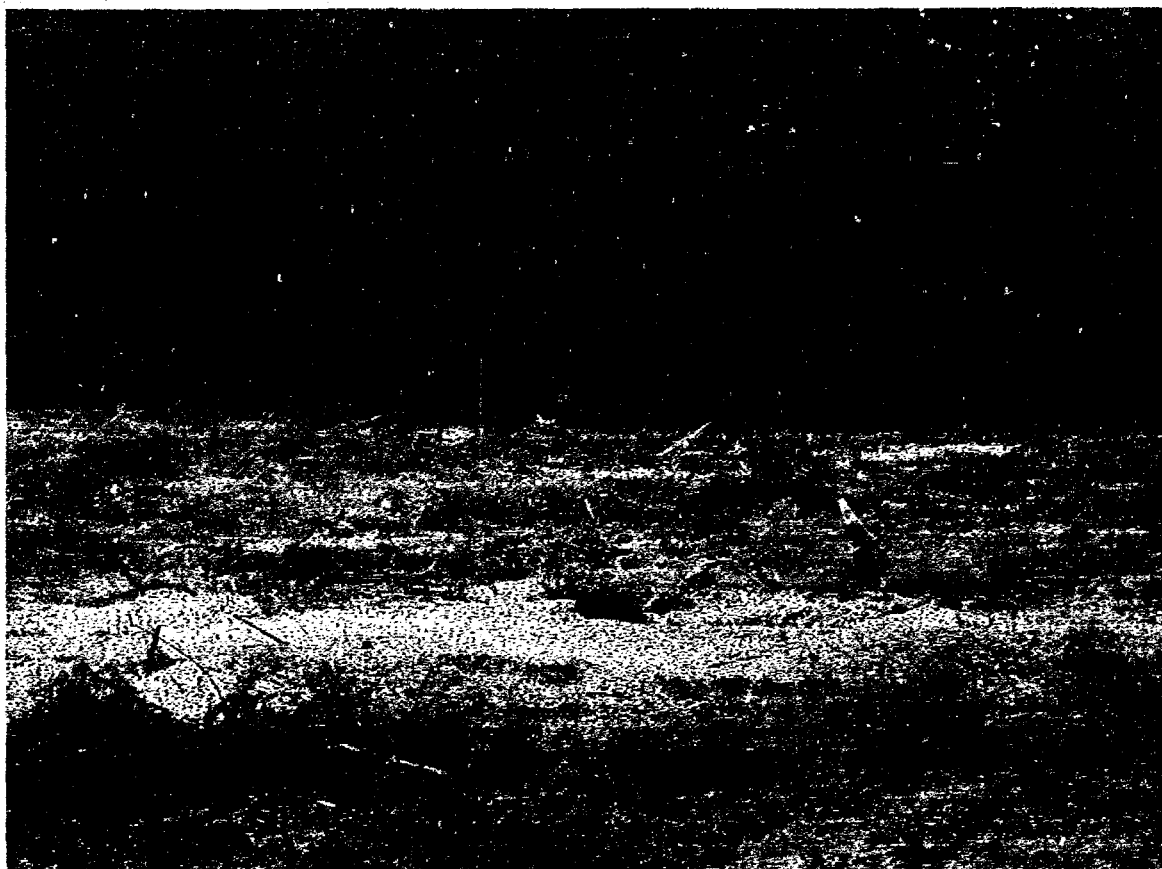
This is my horse Dredger.



Looking out, over our pool into the paddocks.







Looking out from our back yard (center).



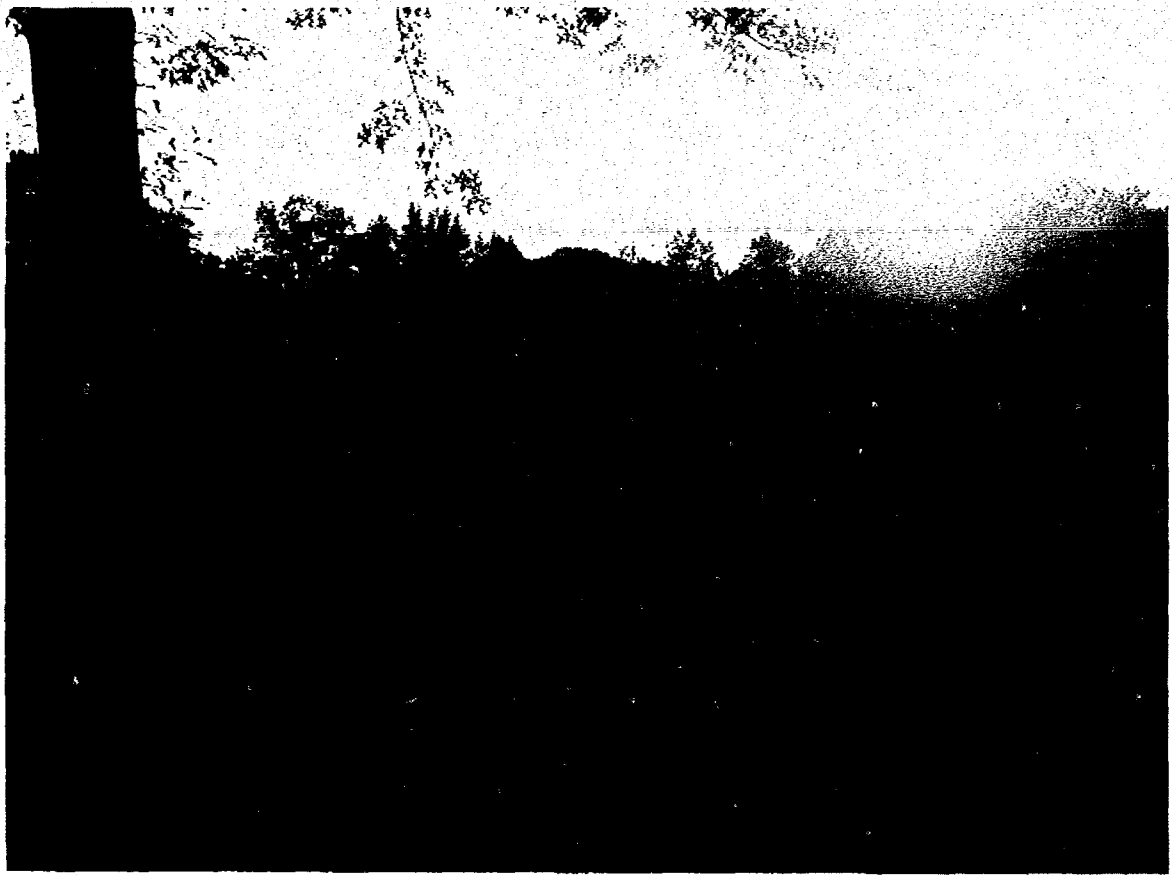
Looking from Sean Court left side of paddocks.



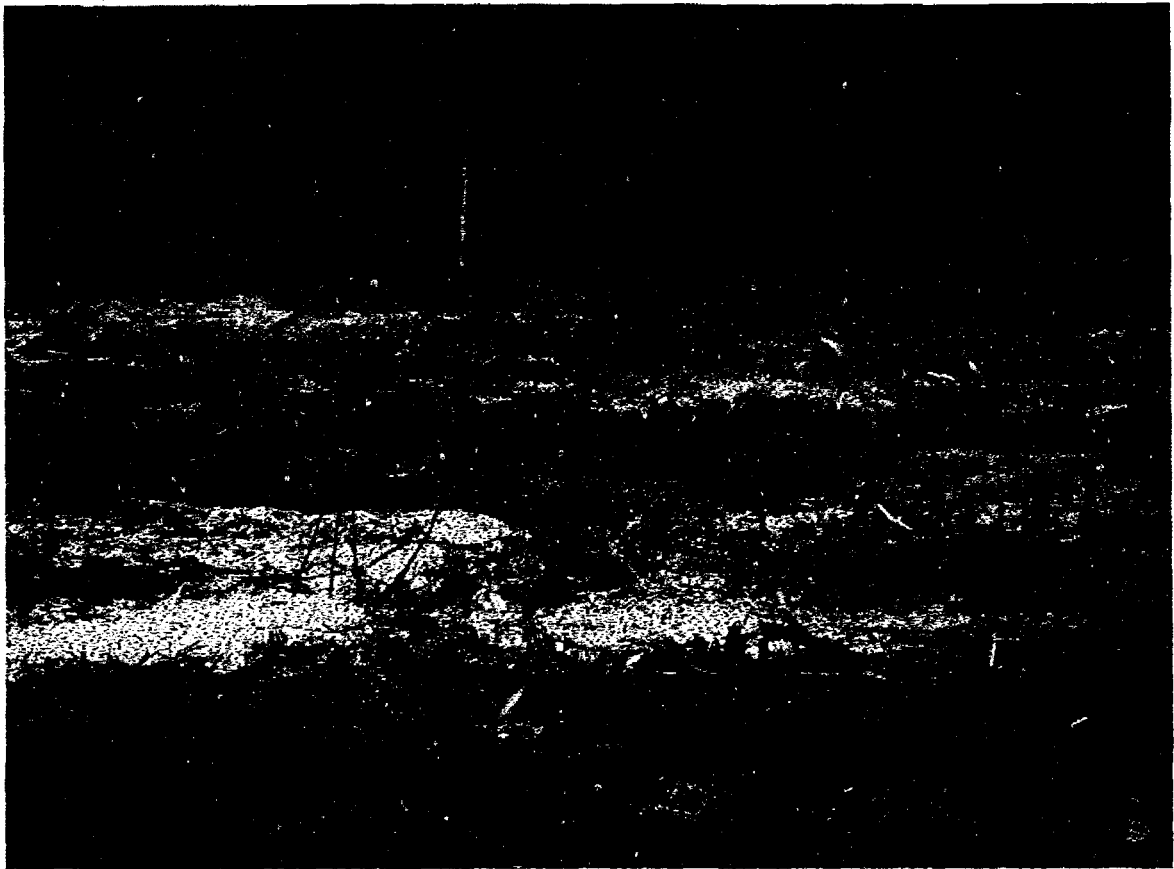
Close up of left side of paddocks.



From Sean Court looking down our property line to the left. Under the bird feeders start the corner of our property line..



Looking from Sean Court.



Center of paddocks from Sean Court.



**Mickey our dog enjoying the open space.**

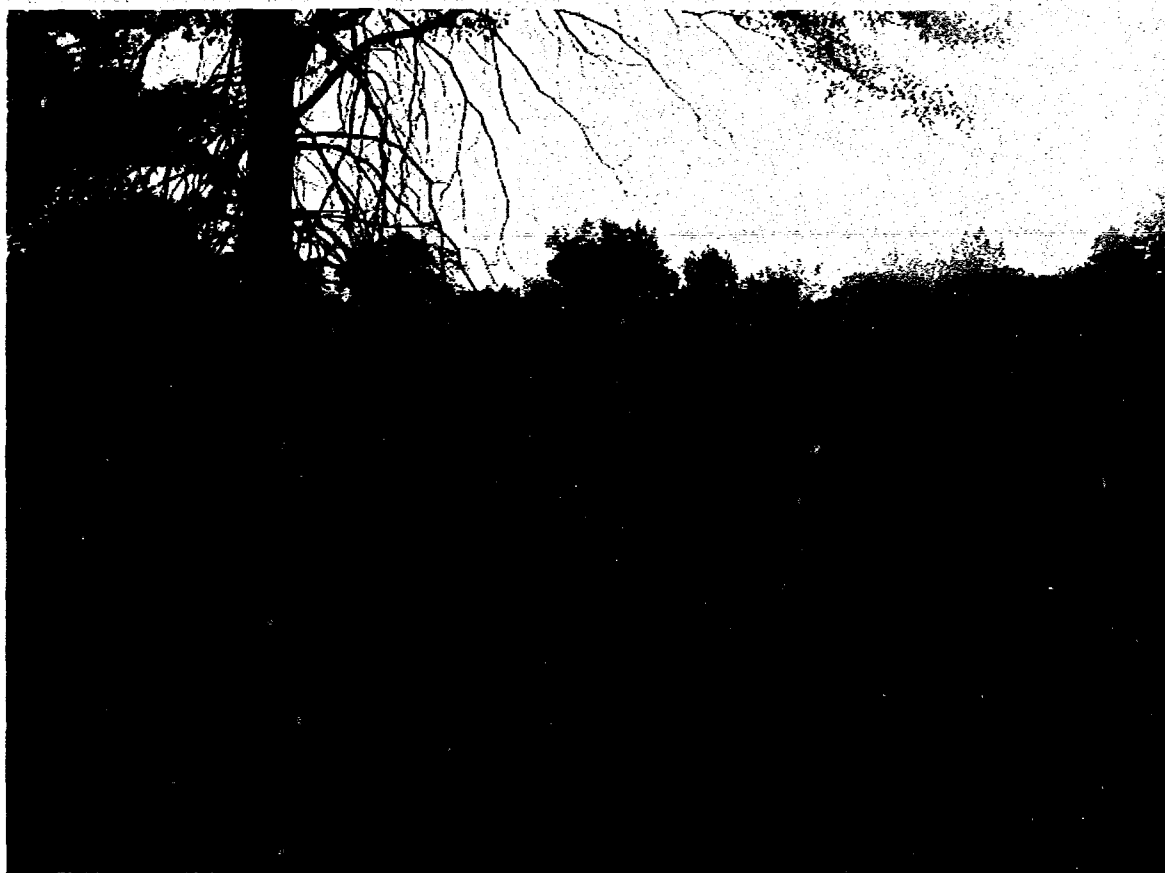


Looking out towards end corner from Sean Court.

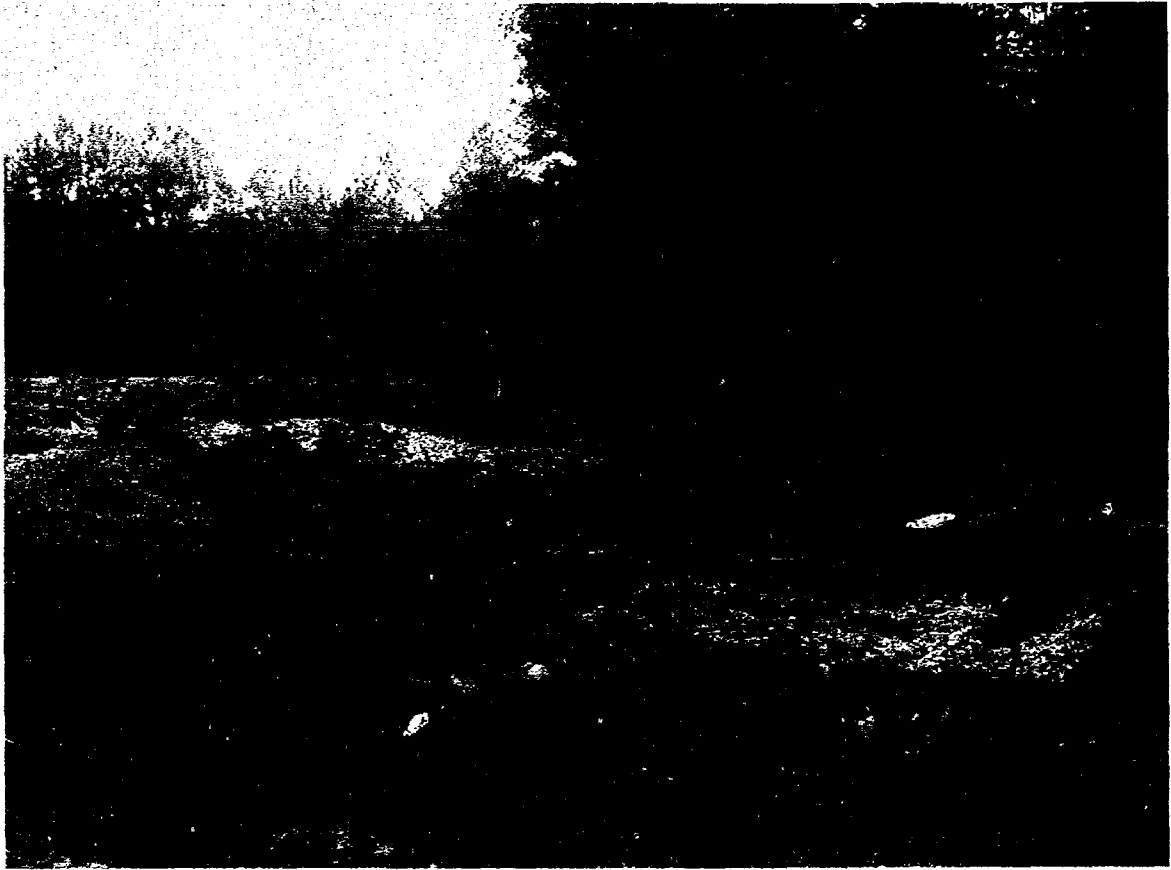




Looking from Sean Court. Shed on left is neighbor's.



Looking from Sean Court.



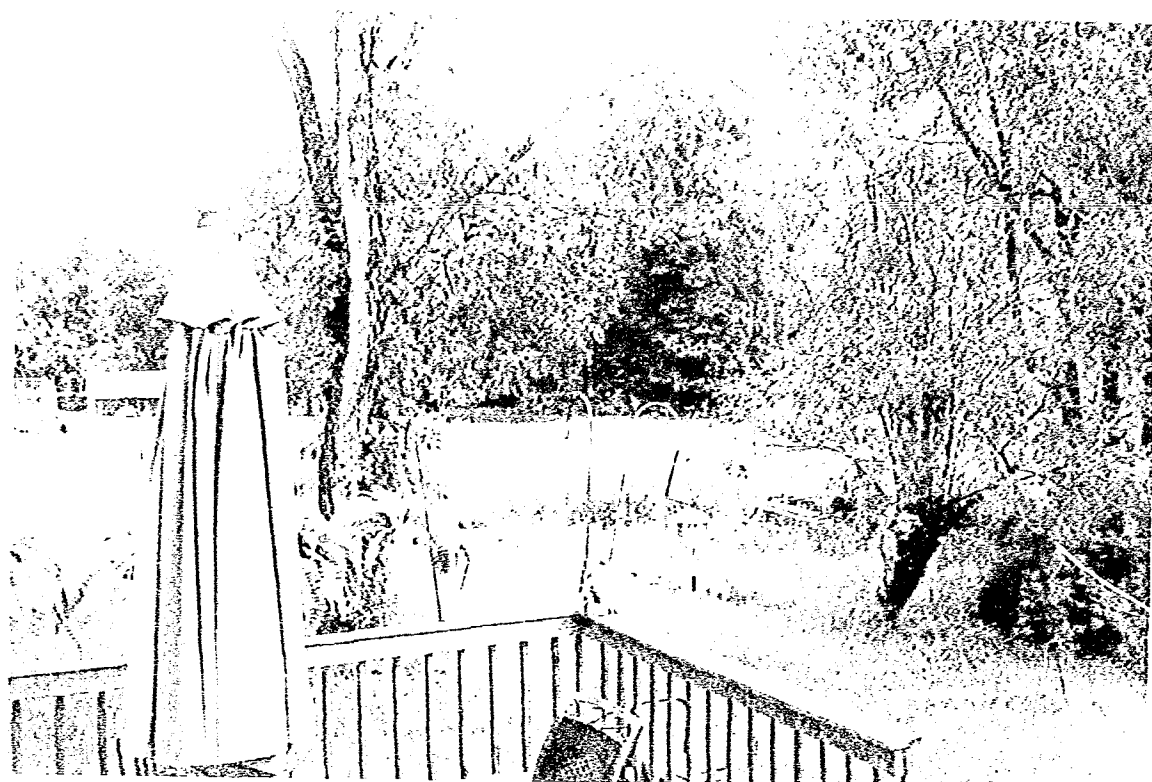
Back of property right hand side is 35 feet of woods from property line.



**Thirty-Five feet of wooded area from property line.**



Looking out our backyard (left).











**The National  
Wildlife Federation®,  
through its  
Backyard Wildlife  
Habitat™ Program,  
awards this  
Certificate of  
Achievement to**



**BACKYARD WILDLIFE  
HABITAT®**  
NATIONAL WILDLIFE FEDERATION®

*deborah menkens*

*This Certificate recognizes the establishment  
and maintenance of Backyard Wildlife Habitat™ site*

*No. 39331*

*This habitat is certified in the National Wildlife Federation's  
worldwide network of mini-refuges where, because of the  
owner's conscientious planning, landscaping and sustainable  
gardening, wildlife may find quality habitat— food, water, cover,  
and places to raise their young.*



NATIONAL  
WILDLIFE  
FEDERATION®  
[www.nwf.org](http://www.nwf.org)

*David Mizejewski*  
David Mizejewski,  
Backyard Wildlife Habitat Program Manager

# Features & Options



28" x 24" Window with Steel Grill  
Standard in Stalls

You can find a cheaper horse barn,  
but will their quality & workmanship  
hold up and still be standing in the  
pasture in 25 years?

*You will see real quality with our barns!*  
*See inside for testimonials from*  
*our satisfied customers!*



Dutch Doors  
also available;  
Service Doors

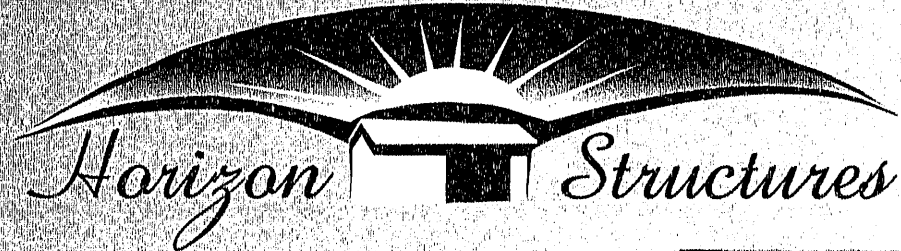
Install Wall Mounted  
Hay Rack



Powder-Coated  
Hardware such as  
Door Handles and Chewguards  
are attractive features that  
provide lasting protection!

Double-impac  
galvanized nails  
longer lasting  
resistant to rust & bleeding  
so your barn looks better longer!

Contact us for a FREE Consultation: (610) 593-7710 [shedsandgazebos.com](http://shedsandgazebos.com)

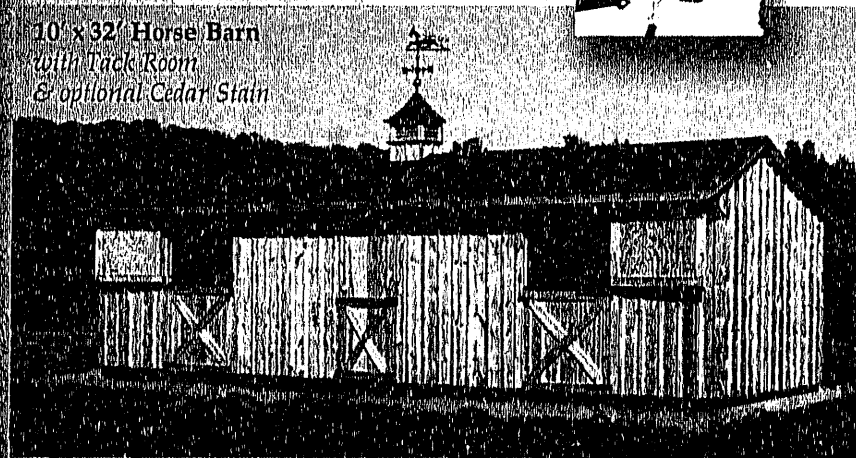


Sure... you can find a horse barn cheaper,  
but are you going to get what YOU want?



## Customize Your Horse Barn

10' x 32' Horse Barn  
with Tack Room  
& optional Cedar Stain



In years to come, would you rather  
spend time and money repairing your  
Barn or enjoying your Horse?

# Horse Barns & Run-In Sheds

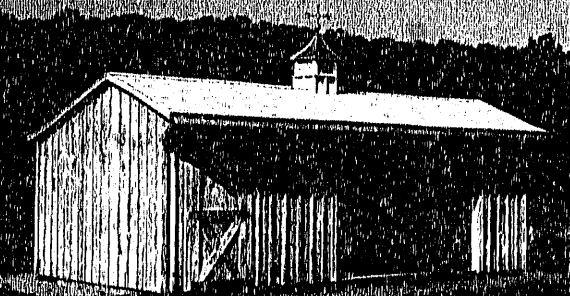
*"Thank you very much for the building and delivering such an absolutely beautiful Run-In Shed. The workmanship is wonderful. My horses will be enjoying it for many years to come." Thanks again, Catherine & Bob, Towns-End, DE.*



12' x 36' Pine Storage Shed

Be sure you can find a cheaper barn, but will you still have manufacturer's backing, dedicated staff and ongoing support in 5 years? 10 years? 20 years?

12' x 24' Run-In with 6 Tack Room (featuring optional Cupola, Weather Vane and Cedar Siding)



10' x 24' Barn with a 10' x 12' Stall and a 10' x 12' Tack Room and optional Metal Roof



Buildings are 10' high and Stall Door is clear inside 10' x 12'

## Customize Your Horse Barn!

### Roofing

- ☐ Cedar Shingles
- ☐ Metal
- ☐ Metal w/ Insulation
- ☐ 30 year Architectural

### Extra Windows

- ☐ Extra Window w/Grill
- ☐ Service Door Window
- ☐ Dutch Door Window

### Roof Decking

- ☐ 1/2" Plywood

### Extra Doors

- ☐ Dutch Doors
- ☐ Service Doors

### Vents

- ☐ Gable Vent
- ☐ Drop Vent
- ☐ Ridge Vent

### Kick Board

- ☐ Southern Yellow Pine
- ☐ No Kick Board

### Siding

- ☐ Cedar
- ☐ Metal

### Other

- ☐ Cupola  
(B-20 Boston Series)
- ☐ Weather Vane  
(with Copper Horse)

### Run-In Sheds

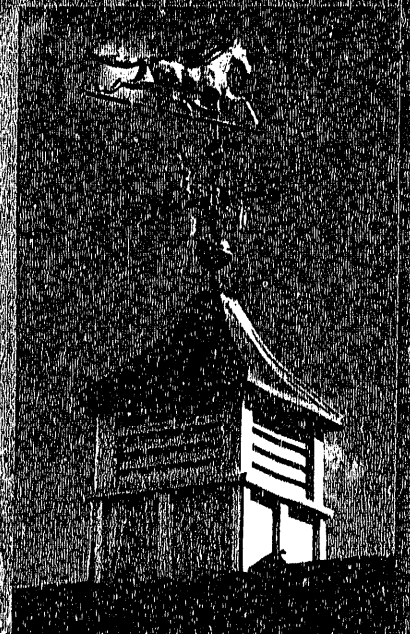
- ☐ Add Partition to Run-In
  - ☐ Solid
  - ☐ Grill
  - ☐ Removable
- ☐ Add Storage/Tack Room
  - ☐ Pressure Treated Floor
- ☐ Add a Stall
  - ☐ Solid Wall
  - ☐ Grill
  - ☐ Removable

- ☐ Stain
  - ☐ Clear
  - ☐ Cedar
- ☐ Hay Rack
- ☐ Feed Trough
- ☐ Feed Through Grill  
(12 x 12 opening)
- ☐ Tie Down Kit

*"Ask about Custom Electrical Packages!"*



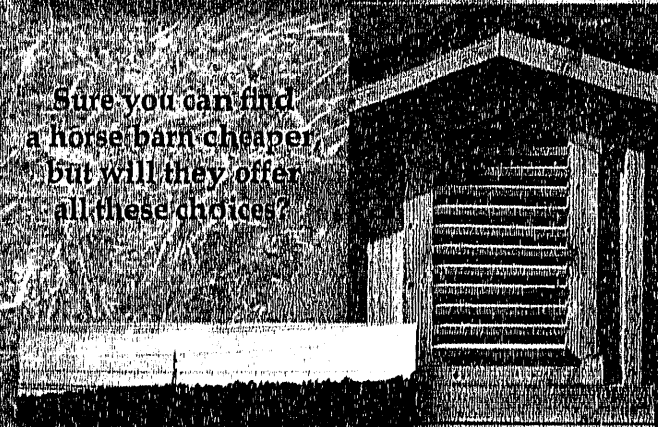
# Customization Options



Utopia with  
Copper Horse  
Weather Vane

Steel-Protected  
Light Fixtures and  
Custom Electrical  
Packages are available

*"This past summer I bought a 3 stall  
shed from you folks. I just love it and  
I'm getting nothing but compliments  
from everyone who sees it."  
Susan - Marshfield, MA*



Cable Vent

Sure you can find  
a horse barn cheaper  
but will they offer  
all these choices?



Direct  
Vent

All Board & Batten  
Barns and Run-Ins  
are delivered fully  
assembled!

(Optional 8' overhang  
is built on-site)



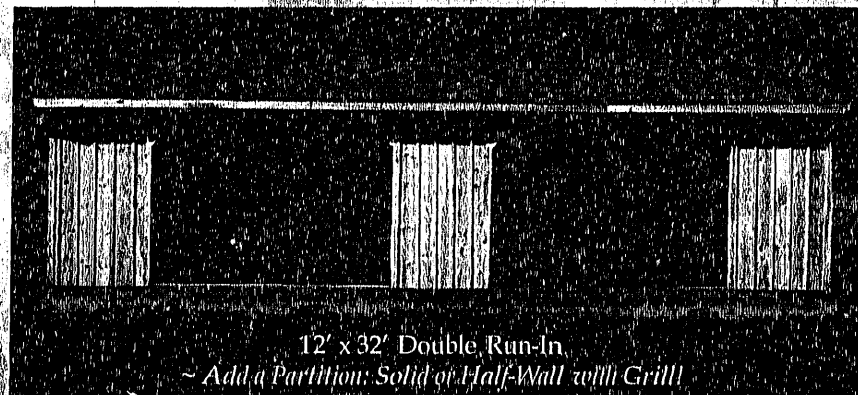
12' x 24' 2 Stall Barn (w/optional Cedar Stain)



10' x 32' 2 Stall Barn  
with Center Tack/  
Storage Room

~ Optional feed-thru access  
built-in feeders are available

Shop around long enough and you'll probably find one for less,  
but in 5 years it will be impossible to upgrade to the best barn in  
the industry for the money you thought you were saving!



12' x 32' Double Run-In  
~ Add a Partition: Solid or Half-Wall with Grill

*"We really like the new barn. I didn't realize the  
storage room would come with a window so that  
was a nice surprise!" Thanks again,  
Dorinda - Vergennes, VT*

# Storage Sheds

Need some extra storage? Board & Batten Storage Sheds are a great solution! These sheds are built to match our horse barns and run-in sheds so they compliment the other 'Horizon' structures on your property beautifully!

*"I was very impressed with your operation!"*  
 Jeffery, Knotts Properties  
 Greensboro, NC

10' x 16'  
 Storage Shed  
 with Optional  
 Cupola

Custom-built 12' x 36'  
 Board & Batten Storage Shed with  
 optional Single Door and Cupola

Sliding windows with powder-coated steel grills... slide open for increased air circulation & slide closed to keep stalls dry & warm! Steel bars keep your horse from breaking the glass!

Solid wall or steel, powder-coated grill stall partitions - Your Choice... Same Price!

Optional overhang feature allows you to bring your horses out of their stalls to groom in bad weather! Plus, it lets them seek shelter when the barn is closed and keeps you dry while you do the chores!

Steel-reinforced corners add stability! Tow Hooks make our buildings easy to relocate or can be used for tie-down kit option!

Pressure treated 6" x 6" foundation resists moisture. Made to sit on ground or a bed of stone dust.

White Pine board & batten exterior makes our barns an attractive addition to your property, is best for weather proofing and reduces warping & cracking!



# Standard Features

11/12 pitch, manufactured 5/8" OSB sheathing and rated for 30-50 PSF load. Plus, we use a 6" space between rafters (not 24") for an even Stronger Roof!

## Shingle Color Options

Black		
Lt. Brown	Lt. Gray	Lt. Green
Dk. Brown	Dk. Gray	Dk. Green
Weatherwood	White	Driftwood

Ask about  
great Options:  
Cupolas, Weather  
Vanes, Closed  
Gable Ends, Vents,  
and more!  
(all shown below)

**25-YEAR  
ASPHALT SHINGLE  
WARRANTY!**

2"x 4" Post & Beam Rough-Cut Oak Interior...  
Undoubtedly the best type of wood for framing  
and one of the most solid woods available!  
4' High, 1" thick Solid Oak Kick Board stands up  
to the most aggressive kickers & deters chewing!

## INSIDER SECRETS

### Considering a Horse Barn? 12 Questions to Ask Before You Buy:

- 1) **What's the very first thing I need to do? What about site preparation?** Horizon Structures offers free consultation on the physical site preparation. Placement of your new barn is crucial. You need to consider existing power source, distance for your main barn, prevailing wind direction, air flow and exposure. How often will you be working in this barn? Horizon Structures barns have the advantage of being easy to move; however, it's wise to consider how many steps it takes to get to your new barn before you take delivery – especially if you are going back and forth throughout the day.
- 2) **What materials are used, inside? What type of wood?** Make sure your barn has an oak frame. Oak frames are preferred as they are the most durable wood for long-lasting structures. Oak is the best investment if you are located in the Mid Atlantic or New England states.
- 3) **What type of wood is used on the outside?** All our horse barns and run-ins are made from *Premium Pine*. Although cheaper woods are available, these inferior woods are just not meant for long, outdoor life. Metal sheds are less popular as they can ruin the landscape of the farm and give it a "factory" look.
- 4) **What about hardware? What are my options?** Any hardware should be powder coated not just painted for a maintenance-free finish. We recommend hinged doors – hung correctly, they are practically maintenance free and simple to use. We also avoid sliding doors as they require constant adjustment and often end up dragging on the ground or not closing properly.
- 5) **What if I buy more land or change the layout of my estate? Can I move my barn?** All Horizon Structures' horse barns are built with tow hooks which makes moving your barn easy! Horizon Structures will even come back and move the barn for you.
- 6) **If I sell my property and move, can I take my horse barn with me? What if I no longer keep horses?** The real advantage here is that you CAN take your structure with you when you move. Horizon barns are designed so that you can easily use the space for other storage needs: lawn care, gardening equipment, small tractors, snow mobiles, etc.
- 7) **What if I'm not satisfied? Do you have a written warranty?** Before buying a horse barn, make sure you know what, if any, recourse you have if your barn arrives and it is nothing like what you expected. Only buy from a reputable business that will be there for you after the sale. Horizon Structures offers the best guarantee in the business. It's simple – If you are not satisfied, we will make it right or refund your money.
- 8) **What about service? Tell me about your service crew? If a tree falls on my barn, will they be able to offer assistance?** It's no real secret that Horizon Structures has built its business on repeat customers. Our customers keep coming back to us – AND sending their friends – because they have been more than satisfied, even *after* the sale. Extreme situations – fire, sick horse, storm damage, etc. Horizon has in-stock buildings ready to go most of the time.
- 9) **Can you help with zoning ordinances? What about the permit process?** Horizon Structures employs an architect to help our clients with the zoning and permit process. We can even provide you with a sketch for your local municipality. Horizon will actually provide you with a step-by-step guide of what you need to do to get the appropriate approval.
- 10) **What about the long term? After the sale?** We can help lay out your property and plan your estate for the next 20 years!
- 11) **Do you care about my horses?** We want your horse barn to be a reflection of your passion for your horses and the pride you take in providing them the best care possible. Through our quality, value and personalized service, we will show you the way to a comfortable, sturdy and safe barn for your horse to call home.
- 12) **Why should I buy from you?** We care about you, our customer, and will be there when you need us. We are the only barn in the area that will build and move barns for you.

# T1-11 Painted Sheds & Hay Feeders

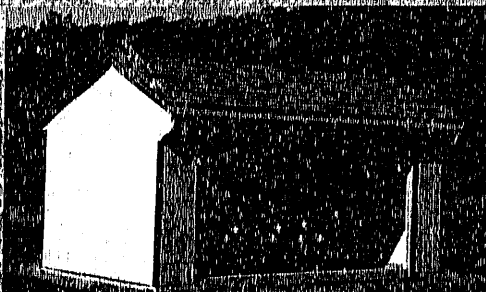
Our feeders are designed to keep large round bales and small hay flakes clean, dry, and off the ground!

Miniature horses?  
Draft horses? We can  
customize your feeder  
to any height!

*"Thanks so much for all  
your help. I recommend  
you to everyone."*

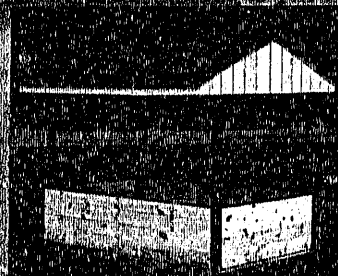
*Lyndsey, Cornish, NH*

T1-11 Duratemp Run-In Sheds include 7' high  
kickboard. These Horse Barns and Run-Ins have the  
added option of a number of attractive paint colors!

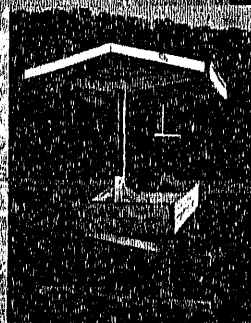


10' x 16' T1-11 Duratemp Run-In Shed

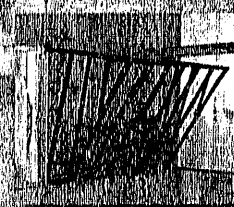
**T1-11 Duratemp  
Horse Barns and Run-In  
Sheds are the ideal  
solutions for people  
needing a shelter that  
can be built on-site!**



8' x 10'  
Round Bale  
Hay Feeder



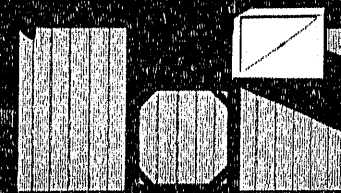
6' x 8'  
Chunk  
Hay  
Feeder



In-stall  
Wall Mounted  
Hay Rack

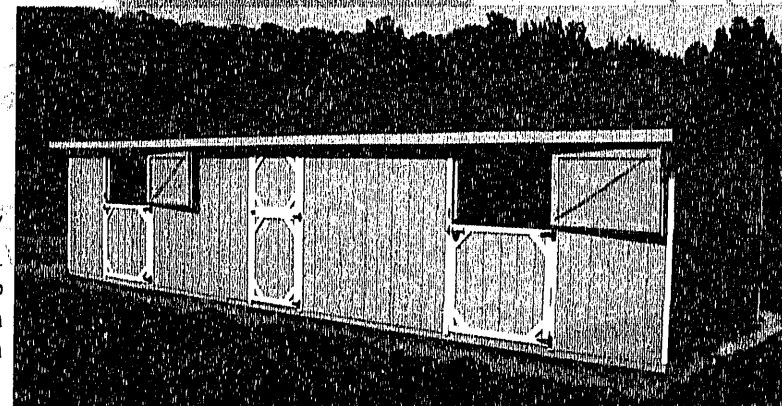
T1-11 Duratemp Horse Barn stalls include a  
window with a grill, Dutch stall door, 7' high  
5/8" plywood kickboard and your choice of  
a solid or grill partition.

*"I just wanted to thank you again  
for your help with getting the barn.  
We are very happy with it & it is  
exactly what we wanted."*  
*Blessings, Tonia - Maidens, VA*



10' x 12' One Stall Duratemp

10' x 32'  
T1-11  
Duratemp  
2 Stall with  
Tack Room



12' x 30'  
T1-11  
Duratemp  
Run-In Shed  
with  
Tack Room

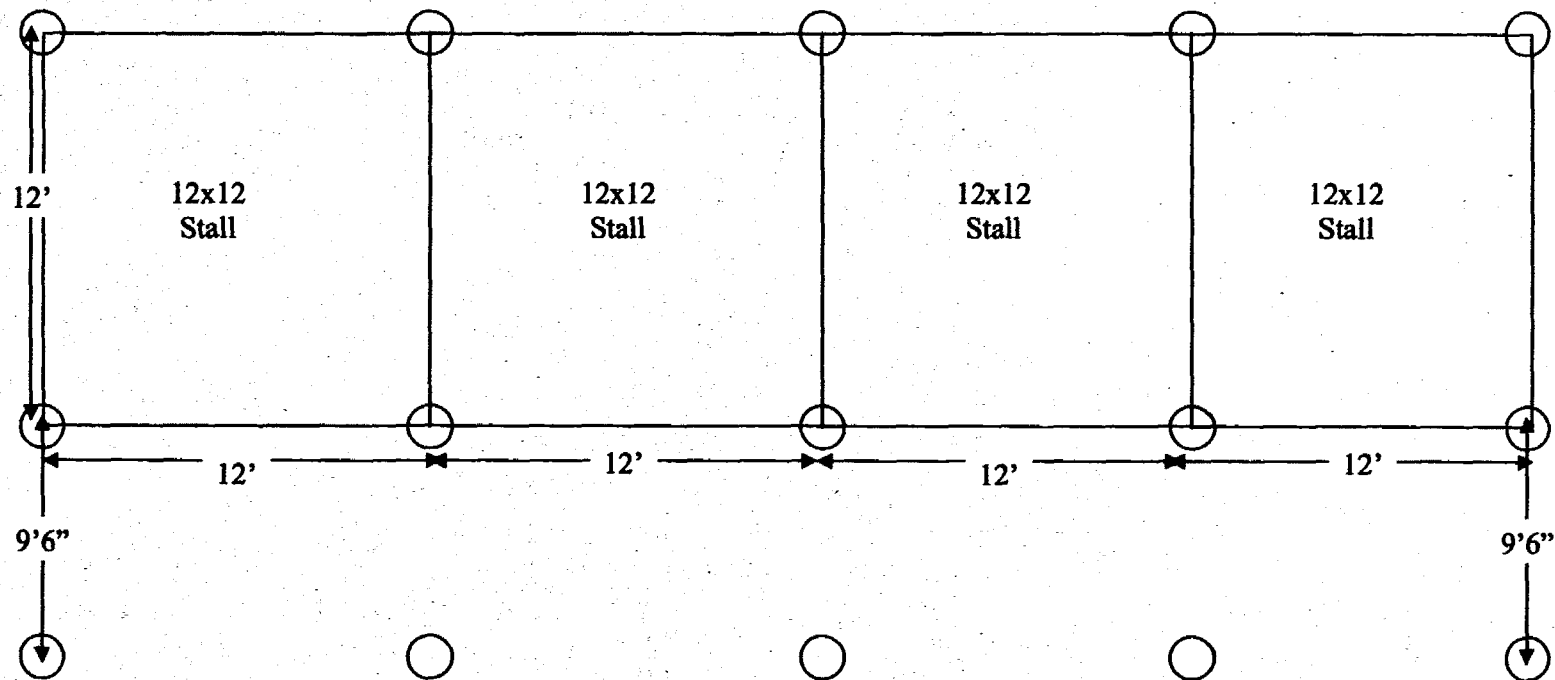




**12x48 HORSE BARN WITH 10' OVERHANG  
FOOTER DIAGRAM**

*DRAWING IS NOT TO SCALE*

○ = 18" diameter pillar, set 4' deep



\*\*\* Measurement is to center of pillar



Horizon Structures 5075 Lower Valley Rd Atglen, PA 19310 PH 1-888-44SHEDS ~ [www.horizonstructures.com](http://www.horizonstructures.com)

## ORDER CONFIRMATION

Date: June 19, 2006

**Deborah Menkens**  
**1 Sean Court**  
**Rock Tavern, NY 12575**  
**deborahmenkens@netscape.net**  
**Ph: 845-496-3732 or 914-805-5843**

**NOTE: Standard Features Include:**

- 4' High Oak Kick Board
- Board and Batten Pine Exterior
- 16" Space Rafter Spacing
- Double Dipped Galvanized Nails
- Built on Pressure Treated 6x6's
- 25 Year Shingle Warranty
- Powder Coated Steel Grills on the Windows
- Tow Hooks
- Solid or Grill Stall Partitions
- Stalls Include: Dutch Door with Steel Chew Guard, Slider Window with Powder-Coated Steel Bars, Solid or Grill Partition

12x48 Horse Barn upgraded to accommodate 10' overhang.....	\$11280.00
Includes: 4 12x12 stalls	
Dual Gray Roof	
Lumber Package for 10' overhang—Includes labor to build on-site.....	\$ 6350.00
Enclose Gable.....	\$ 375.00
Delivery, Transportation Permits and Setup.....	\$ 1950.00
	<b>TOTAL:.....\$19955.00</b>
Multi-Building Discount Price.....	\$19500.00
	X 2
	\$39000.00
Minus Deposit.....	\$19500.00
	<b>TOTAL DUE:.....\$19500.00</b>

**OPTIONS / ADD-ONS**

Wall Mount Hay Racks	\$150.00 ea
Basic Electrical Package	\$625.00 (*Includes: 4 100 watt "caged" lights, 1 outlet, 1 switch, 15 amp breaker box)
Enclose Gable on Overhang	\$375.00 ea
Cupola with Weathervane	\$450.00 ea
Stall Fan	\$175.00 ea - Installed
Flood Light w/separate switch	\$160.00 ea
Cedar Stain	\$1860.00
Stamped, Architectural Drawing	\$175.00

*Thank-You for your Order*

In the Matter of the Application of

**DEBORAH MENKENS**

#07-05

**MEMORANDUM OF  
DECISION DENYING  
AREA VARIANCE**

**WHEREAS, DEBORAH MENKENS**, with an address of 1 Sean Court, Rock Tavern, N. Y., has made application for two additional horses on property and 35.1 foot front yard setback in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 9th day of April, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant presented this application to the Board; and

**WHEREAS**, there were not more than ten members of the public present; and

**WHEREAS**, seven people spoke in favor of and one in opposition to the Application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a residential zone. This zone is located in a county agricultural district.

(b) The Applicant seeks to relocate a shed and seeks permission to keep a total of four horses on the property. Two horses are permitted to be kept on the property by law, but the Applicant seeks a variance of that requirement to permit four horses to be housed on the property.

(c) In placing the shed the Applicant will not be removing any trees or substantial vegetation.

(d) The shed will not create the ponding or collection of water nor divert the flow of water drainage.

- (e) There have been no complaints about the shed formally or informally.
- (f) The shed is of a normal and usual size for a shed in the neighborhood.
- (g) The shed has been erected and has been in existence for approximately two years.
- (h) The shed is located on an easement owned by AT&T but the Applicant state that they are aware that if a AT&T wishes to do work on their easement they will have to remove the shed, at their own expense and that a variance, is granted by the Zoning Board of Appeals, does not relieve the Applicant from this obligation.
- (i) The shed does not adversely affect the safe operation of motor vehicles on the adjacent motorway not interfere with drivers vision.
- (j) The Applicant seeks permission to maintain twice the number of horses as are permitted by the Zoning Law.
- (k) The overall property size is slightly in excess of four acres, but it contains a one family residence, a shed, a barn and a riding rink. The Applicant calculates that the available property for the horses is approximately two acres, when the space allocated for the existing dwellings and structures are subtracted. Furthermore, the Zoning Law requires that horses be maintained at least seventy five feet from the property line and when this is subtracted as well, approximately 1.5 acres of property remain for the use of the horses.
- (l) The Applicant stated that while the New York State minimum lot size for horse pasture to be used for sustenance is one acre per horse, but that in this case, the area is to be used as a turn out area in which case five or more horses may be located on a single acre of land.
- (m) The Applicant stated that the proliferation of flies was due to the weather and that she has otherwise taken appropriate steps to reduce or eliminate the production of flies by the accumulated animal manure.
- (n) The Applicant presented a letter from a licensed New York State Realtor offering their opinion that the property in question and the neighboring properties values have not been decreased by the maintenance of a horse farm. The Applicant claims that the health and safety of the neighborhood have not been affected by the horse farm and that the character of the neighborhood has been changed by the "new homes sprouting up". The Applicants purchased the property approximately four years ago when the current zoning requirement of two horses per acre was in effect.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. A detriment to nearby properties will be created by the granting of an area variance for the keeping of two additional horses on the property. The owners of these properties, single family residences, have complained and are now complaining about the odor and the flies and adverse impacts of the horses that are on the property presently. Although the Applicants disputes these objections and has cited efforts to control or eliminate the odor and flies, the neighbors continue to complain of these effects and that these effects impair their use their own property for the allowed and customary uses attended to a single family resident.

2. The benefits sought by the Applicant cannot be achieved by any other method as does not appear that there is any land available for acquisition by the Applicant contiguous to their parcel.

3. The requested area variance is substantial and is too substantial to be permitted. The Applicant seeks to double the number of horses permitted by law to be kept on the property. Considering the size and location of the property a supermajority (four) on this Board finds this request to be unreasonable and excessive.

4. The proposed variance for maintenance of two additional horses will have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district. As recited above, there is a dispute between the Applicant and the neighbors in respect to the adverse impacts of the keeping of horses. A supermajority (four) of this Board finds the Applicant's efforts to eliminate nuisance to the neighboring properties to be, in the event, insufficient.

5. The alleged difficulty in this case with respect to the keeping of four horses is self created. At the time that the Applicants purchased the property they knew, or should have known, that they would only be permitted by law to maintain two horses on the property. Notwithstanding that restriction, however, the Applicants chose to purchase this property. It is not persuasive to a supermajority (four) of this Board that the applicants now seek relieve themselves of a legal restrictions which were in existence at the time that they purchase the property.

6. While the supermajority of this Board is impressed with the steps that the Applicant has taken to safely and properly board horses on their property, that supermajority simply feels that the property is too small to safely and properly house four horses.

7. With respect to the location of the shed, its location will not create an undesirable change in the neighborhood or detriment to nearby properties and should therefore be permitted, but the increase of the number of horses to be maintained on the property is not permitted.

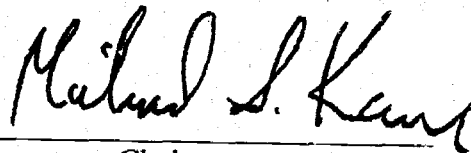
**NOW, THEREFORE, BE IT**

**RESOLVED** that the Zoning Board of Appeals of the Town of New Windsor DENIES a request for two additional horses on property but GRANTS an application for a 35.1 foot front yard setback for the above residence; in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 10, 2007

A handwritten signature in cursive script, reading "Michael S. Kump", written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE:** 1/8/07

**APPLICANT:** Deborah & Lawrence Menkens  
1 Sean Court  
Rock Tavern, NY 12575

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 12/15/06

**FOR :** Deborah Menkens

**LOCATED AT:** 1 Sean Court

**ZONE:** R-1      **Sec/Blk/ Lot:** 52-1-79.1

**DESCRIPTION OF EXISTING SITE:** Single Family dwelling with (3) horses

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. 300-13C Accessory Uses permitted:**

Not more than two horses plus their foals not over one year old, provided that the animal(s) is restrained and cannot enter any portion of the premises within 75ft of any property line. A variance to permit (2) additional horses (total of 4 horses) is required.

*Louis J. Kynther*  
BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1	USE: 2 Horses	4 Horses	2 Additional Horse

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Debrah & Lawrence Menkus  
Address 1 Sean Court Phone # 496-3732  
Mailing Address Rock Tavern NY 12575 Fax # \_\_\_\_\_  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer) \_\_\_\_\_

1. On what street is property located? On the east side of Toleman Rd  
and North side of Sean Court (N, S, E or W)  
feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated R-1 AG Is property a flood zone? Y N X
3. Tax Map Description: Section 52 Block 1 Lot 79.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy home + hobby farm b. Intended use and occupancy (2)
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? \_\_\_\_\_
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use  
NOT A BUSINESS
10. Estimated cost 0 Fee 0  
fee under BP6-944  
LOT

112107  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lal & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
(Disapproved) \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unattached inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring)

S

W

E

N

2 additional  
horses to property

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 1/25/07

APPLICANT: Deborah & Lawrence Menkens  
1 Sean Court  
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/11/06

FOR: Deborah & Lawrence Menkens

LOCATED AT: 1 Sean Court

ZONE: R-1 Sec/Blk/ Lot: 52-1-79.1

**COPY**

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with 12 ft. x 24 ft. shed

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-11, A Accessory Buildings

No Accessory Buildings shall project nearer to the street on which the principal building fronts than such principal buildings. A variance to permit a 12 ft. x 24 ft. shed 10 ft. from the property line along Sean Ct. when the dwelling is 45.1 ft. from Sean Ct.

  
BUILDING INSPECTOR

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

ZONE: R-1      USE: 12 ft. x 24 ft. Shed

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 45.1 ft.

10 ft.

35.1 ft.

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE:

APPLICANT: First and Last Name  
Address  
City, Street and Zip

*Menken*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

*9/11/06*

FOR : Name

LOCATED AT: Address

ZONE: *R-1* Sec/Blk/ Lot: *52-1-79.1*

DESCRIPTION OF EXISTING SITE: *single family dwelling with existing STABLE*

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. *300-10 USE/BULK TABLE R-1 ZONE ~~is~~*  
*Line 1b, column C, Boarding, Breeding, Raising and Rental of Horses*  
*Requires 20 Acres. Existing property is 4.1153 Acres*  
*A Variance of 15.885 Acres is Required*

*AK*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: *R-1* USE: *HORSE FARM*

MIN LOT AREA:

*20 ACRES*

*4.115 ACRES*

*15.885 ACRES*

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



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5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

SEP 07 2006

FOR OFFICE USE ONLY:  
Building Permit #: 2006-946

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Deborah and Lawrence Menkens

Address 1 Sean Court

Phone # 845-496-3732

Mailing Address 1 Sean Court Rock Tavern New York 12575  
Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.  
(Name and title of corporate officer)1. On what street is property located? On the 5 side of Sean Court  
and West of Tolman (N, S, E or W) feet from the intersection of 02. Zone or use district in which premises are situated R- Is property a flood zone? Y N3. Tax Map Description: Section 52 Block 1 Lot 79.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Home and farm b. Intended use and occupancy \_\_\_\_\_5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other6. Is this a corner lot? Yes7. Dimensions of entire new construction. Front 0 Rear 0 Depth 0 Height 0 No. of stories 0

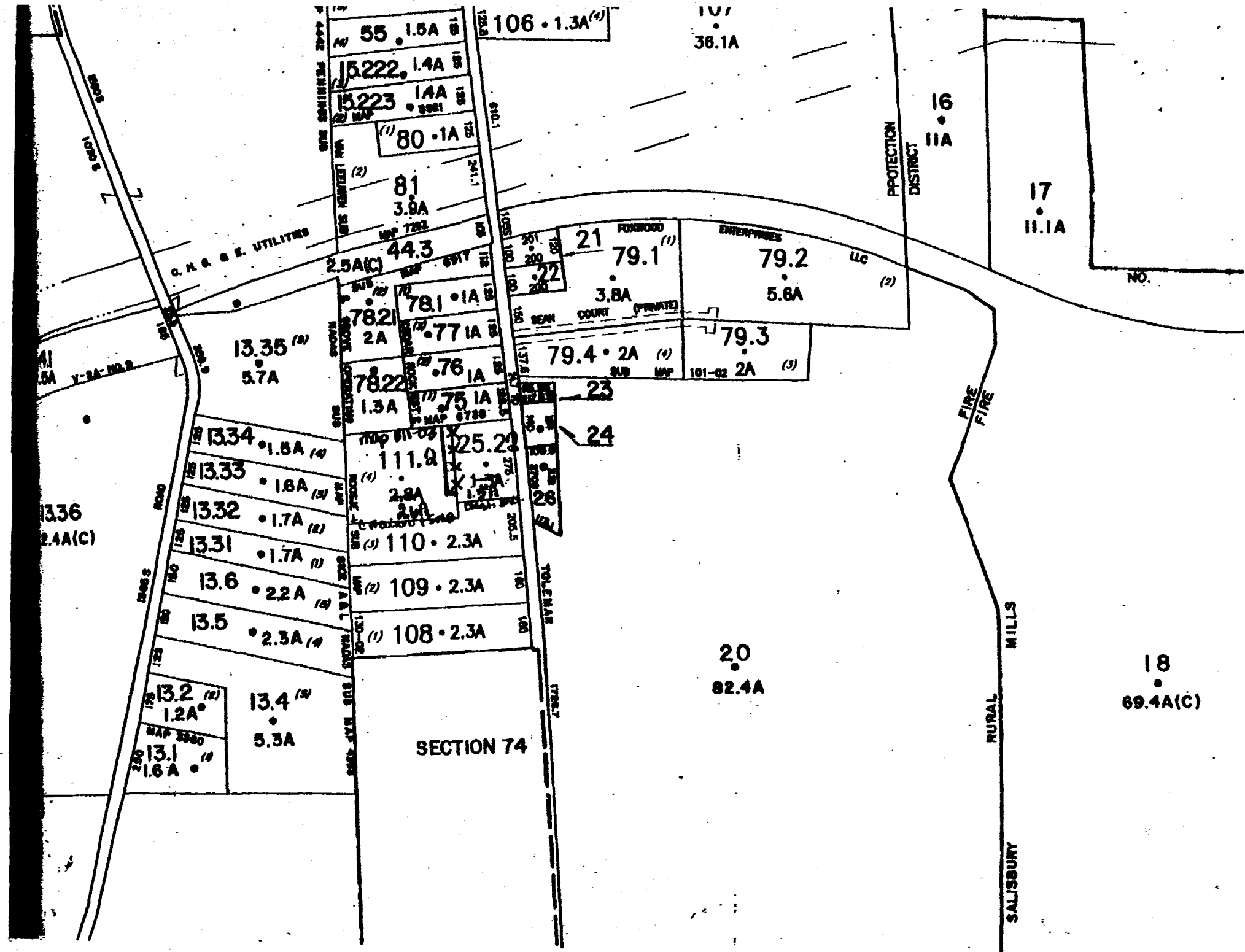
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms 0 Baths 0 Toilets 0 Heating Plant: Gas 0 Oil 0Electric/Hot Air 0 Hot Water 0 If Garage, number of cars 09. If ~~business, commercial~~ or mixed occupancy, specify nature and extent of each type of use Home for our family,  
farm for our horses, Requesting a Zoning Change10. Estimated cost 0 \$50- Fee to Agriculture

ZONING BOARD

cn# 1792

PA III

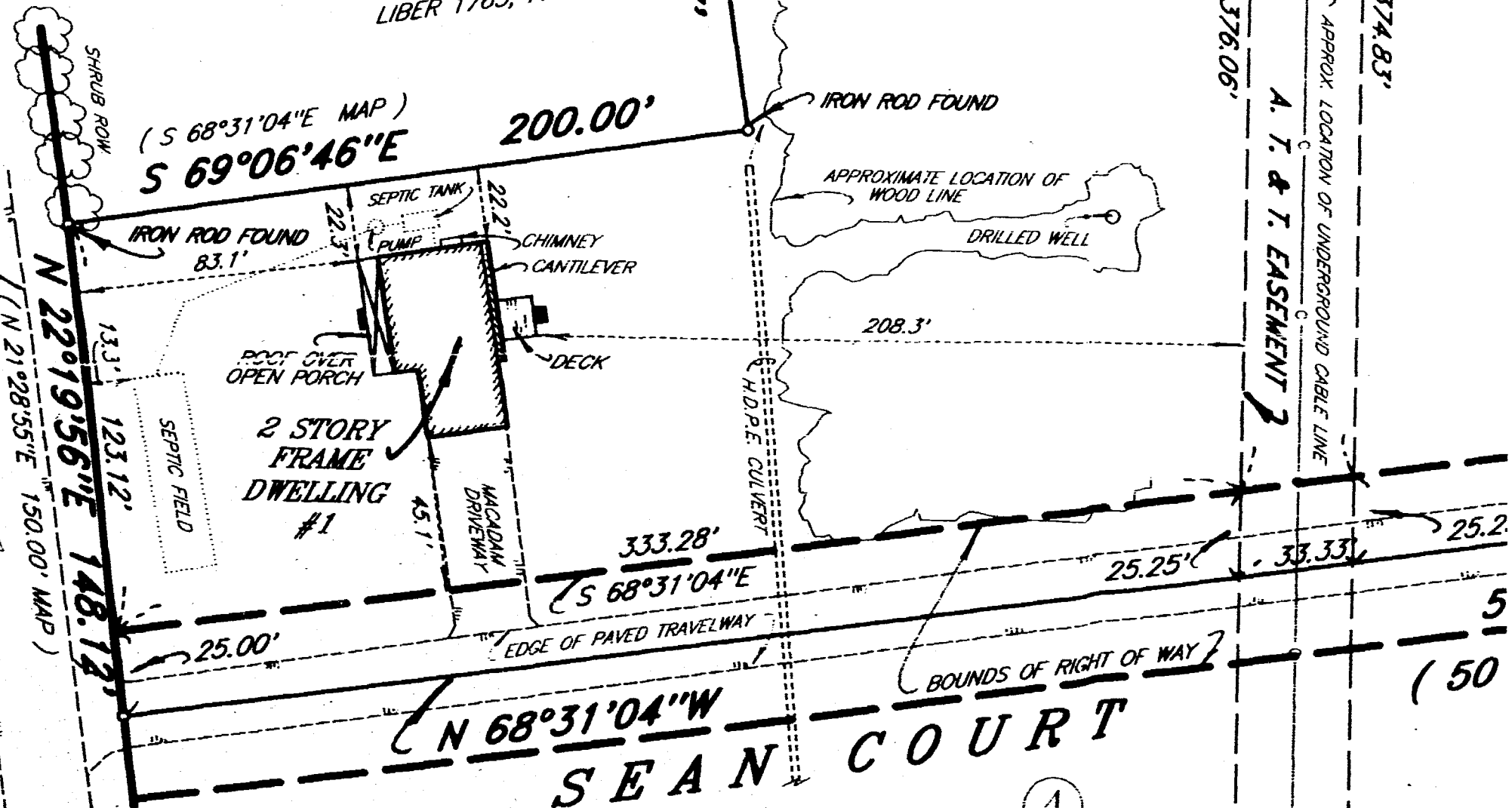


ENTERPRISES LLC", FILED IN THE ORANGE  
COUNTY CLERK'S OFFICE ON MAY 14, 2002  
AS MAP #101-02.

ALSO BEING LOT 79.1, BLOCK 1, SECTION 52  
AS SHOWN ON THE TOWN OF NEW WINDSOR  
TAX MAP.

**A R E A = 4.1151 ACRES**

**T O L E M A N R O**



9.1.06

date

**APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances**

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors Frank Lisi & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
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- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

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(Signature of Applicant)

(Owner's Signature)

(Address of Applicant)

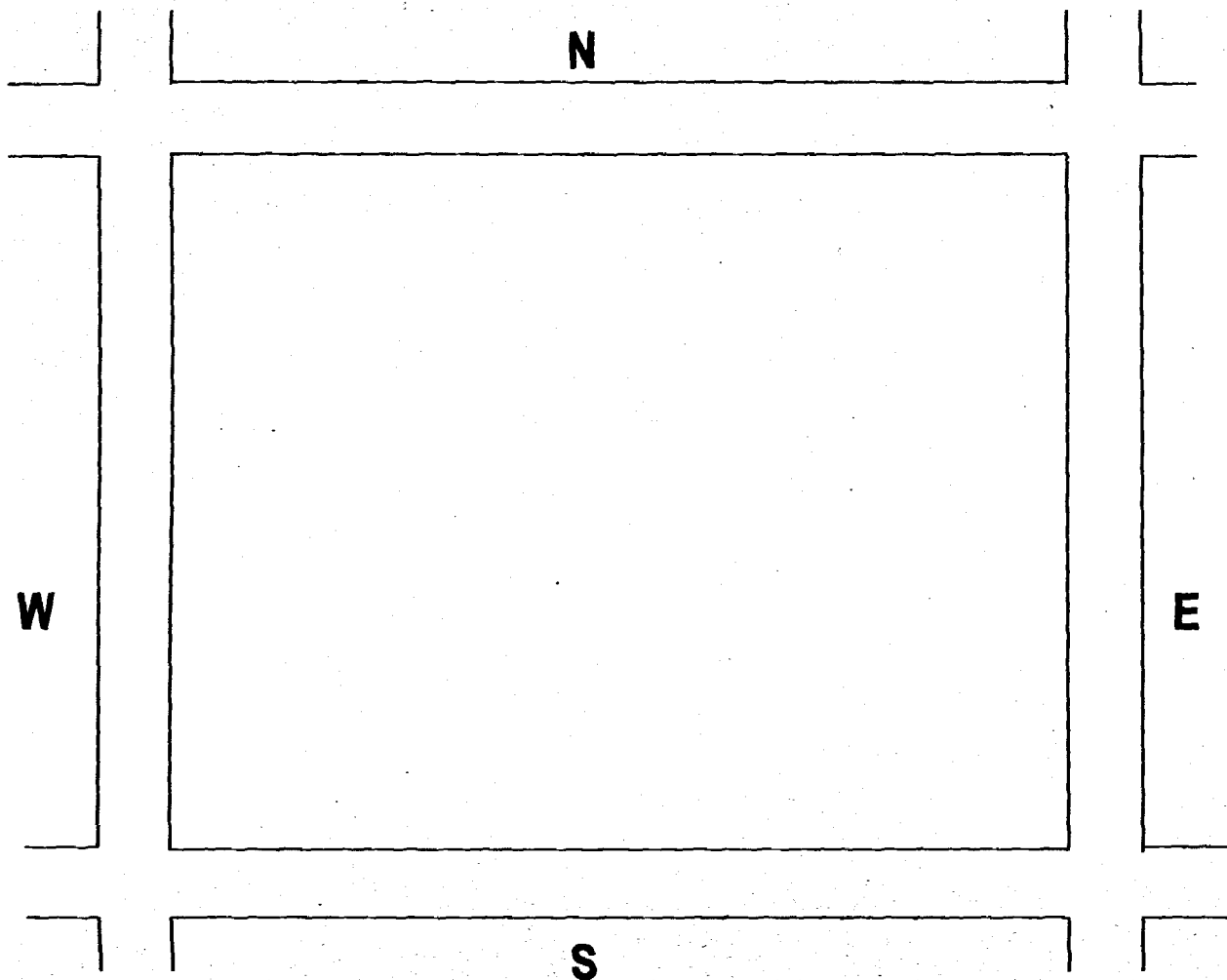
(Owner's Address)

**PLOT PLAN**

1 Sean Court Rock Tavern  
NY 12575

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



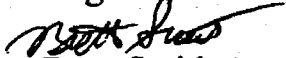
April 4, 2007

Michael Kane - Chairman  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12533

Dear Mr. Kane,

My name is Brett Smith. I live at 4 Sean Ct. I will be unable to attend the public hearing on April 9<sup>th</sup> for appeal number 07-05, Deborah Menkens request for 2 additional horses on property. **I am opposed to this request.** I attended the previous variance meeting in August 2006 for the request for more horses. From August 2006-December 2006 they did have 6 horses on their property. The smell was unbearable. I ask you to not accept their request to add 2 additional horses.

Regards,

  
Brett Smith  
4 Sean Ct.

CC: Michael Babcock – Building Inspector

ZBA @  
RECEIVED APR - 5 2007

RECEIVED

APR 09 2007

BUILDING DEPARTMENT

**TO:** ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR

**FROM:** TIM SPINDLER AND FAMILY; 2 SEAN COURT

**SUBJECT:** VARIANCE REQUEST FROM MENKENS'—APPEAL NO. 07-05

**DATE:** April 9, 2007

I would like to express concerns about the proposition of two additional horses to the Menkens' property. In August 2006, the Menkens brought six horses to their property; and with the horses, flies and a strong odor followed. Throughout the rest of the summer, and into the fall, we routinely had flies in and around our house. Prior to the horses we never had a problem. Some days were worse than others; however, they're a nuisance we could do without. Big horse flies soon followed, and I can tell from experience; when they bite—it hurts. So with two small children I don't want to take any chances. In addition to the flies, the horses created a stale smell in the air. At times, while sitting on our back deck, the odor was so strong we had to go in the house. The wind determined the strength of the smell, but it lingered on a daily basis. Again, something we could do without. The horses were only around one month of the summer; I can't imagine what kind of smell or flies they would create through an entire summer.

Since that time the Menkens had to remove four of their horses, per the Town of New Windsor Court, for violating town codes.

With the experience of last summer it's hard to imagine it would be any different this summer. The flies and smell were an inconvenience that hindered the outdoor lifestyle of my family. With the past in mind it's hard agree with the proposal for additional horses to the property.

Sincerely,



Tim Spindler



**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 07-05**

**Request of DEBORAH MENKENS**

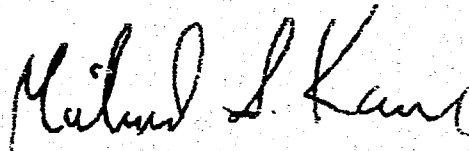
**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

**2 additional horses on property**  
**35.1 ft. front yard setback 300-11 (A)**

**at 1 Sean Court in an R-1 Zone (52-1-79.1)**

**PUBLIC HEARING will take place on APRIL 9<sup>TH</sup>, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# THE SENTINEL

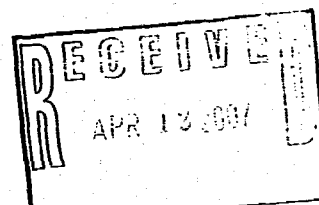
P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
3/30/2007	221

**Bill To**

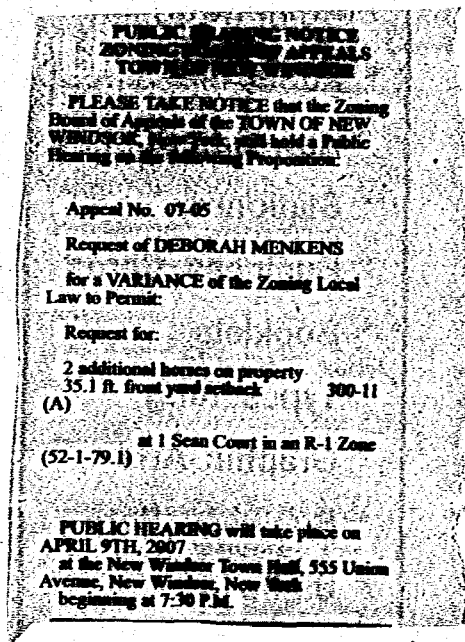
TOWN OF NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR, NY 12553



*ML*

P.O. No.	Terms	Project
48555		

Issue Date	Description	Rate	Amount
3/30/2007	LEGAL ADS: APPEAL #07-05 DEBORAH MENKENS	11.85	11.85
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	<b>\$15.85</b>



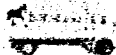
State of New York  
County of Orange, ss:  
Kathy Amanatides being duly  
sworn disposes and says that she is  
The Supervisor of Legal Dept. of  
the E.W. Smith Publishing  
Company; Inc. Publisher of The  
Sentinel, a weekly newspaper  
published and of general  
circulation in the Town of New  
Windsor, Town of Newburgh and  
City of Newburgh and that the  
notice of which the annexed is a  
true copy was published in said  
newspaper, 1X time(s)  
commencing on  
the 30 day of Mar A.D., 2007  
and ending on the 30 day of  
Mar. A.D. 2007

*Deborah Green*

Subscribed and shown to before  
me this 12<sup>th</sup> day of April, 2007  
*Deborah Green*  
Notary Public of the State of New  
York County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 07

My commission expires \_\_\_\_\_

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Stable Supplies

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l

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Sign Up!

**Department****Super Value\$**

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 Boot/Sheet/Wrap  
 Cinches & Girths  
 English Equipment  
 Farrier & Hoof Care  
 Fly & Pest Control

- > Applicators
- > Concentrated
- > Fly Masks/Sheets
- > Premise
- > Traps
- > Wipe/Spot On

Gift Shop

Grooming &amp; Clippers

Hair Care

Halter/Lead/Lunge

Horse Blankets

Horse FENCE

Horse Health

Horse Supplements

Horse WORMERS

Miscellaneous &amp; Pet

Pet Supplies

Riding Gear/Helmet

Saddle Bags &amp; Pack

Saddle Pads

Stable Supplies

Western SADDLES

Western Tack

Home &gt; Fly &amp; Pest Control

**SimpliFly with LarvaStop™**

(Farnam) A highly palatable feed additive to prevent the development of stable flies and houseflies in the manure of treated horses. LarvaStop™ breaks the fly life cycle by preventing the formation of fly larvae's exoskeletons when they molt (resulting in their death). Reduces fly populations by 97-100%. Start feeding in spring before flies begin to appear, and continue feeding throughout the summer. This product contains no organophosphates and can be used as part of an integrated pest management program. Feed 900-1100 lb. horses 1 oz. per day. Not for use in pregnant mares or stallions.



Zoom Image

Tell A Friend

Additional Info

Tell Me More

Item # /  
Variation

Description

Qty

Price

BUE31 - 3.75 lb.  
 In Stock

**SimpliFly with LarvaStop™**  
 Buy 2 or more at \$18.69 each!  
 FOB of 4lb will be added  
 We're sorry, due to postal restrictions we will be  
 unable to expedite the shipping of an order  
 containing this item.

1 \$19.99 order

BUE31 - 10 lb.

**SimpliFly with LarvaStop™**  
 Buy 2 or more at \$45.99 each!  
 FOB of 10lb will be added  
 BUE3110 is out of stock.  
 Expected Shipping Date:3/6/2007.

1 \$48.99 order

We're sorry, due to postal restrictions we will be  
 unable to expedite the shipping of an order  
 containing this item.

BUE31 - 20 lb.  
 Drop Ship

**SimpliFly with LarvaStop™**  
 FOB of 20lb will be added

1 \$74.95 order

**Related Items**

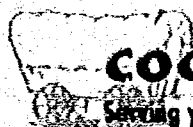
BUA40 - 1.5LB

BugLyte

As low as \$9.99

Feed through biting insect deterrent! Keeps pests away -  
 naturally! Does ....(More info)

Click here for  
 sizes/colors


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# Do It Yourself Pest Control Products

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## Musca-Terminator Reusable Fly Trap


[View Larger Image](#)

No Poisons - No Zappers - No Flies!

- Traps & kills thousands of flies without insecticides
- Can be used around children and pets
- Powerful, exclusive attractant combines 3 feeding stimulants, plus a fly sex pheromone - flies just can't resist
- Attracts most major filth fly species
- Durable, break and weather resistant bottle can be used over and over
- Just add water and attractant (included)- set on flat surface or hang
- Musca-Attractant:

A unique, powerful combination of multiple feeding stimulants and Tricolure sex attractant that flies find irresistible. It's what makes Fly Relief so effective.

- [MSDS information.](#)

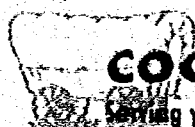
Quantity: 1

**\$24.95**
[Add to Shopping Cart](#)

Help ensure the future of the environment and its wildlife for your children and grandchildren  
by reading and **UNDERSTANDING** labels on pesticides before applying.

**Note on allergies:** If you or a family member has an abnormally high sensitivity to chemicals,  
please consult an allergist before using any pesticides.

**cooperseeds.com**  
**Order Line: 1-877-463-6697**



**cooperseeds.com**

Serving your home, farm and garden needs since 1890.

[ view shopping  
cart | checkout ]

Search Products

## Do It Yourself Pest Control Products

Boots & More

Wildlife Feeders

Wildlife Seeds

Wildflowers

Vegetable Seeds

Wild Birds

Live Animal Traps

Organics

Do-It-Yourself Pest  
Control

Lawn & Garden

Cat Grass & More

Suggestion Box

Customer Service

Shipping

Search Site

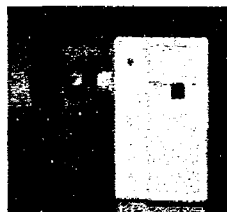
Mailing List

Contact Us

Product Index

Disclaimer

### Model 1000 Metered Aerosol Dispensers (Battery Not Included)



- Accommodates more than 25 fragrances as well as fly control refills.
- Air freshening and odor control is available wherever it is needed.
- Dispenser is wall mounted or can be placed on a table top. No need to plug into an electrical outlet.

The #1 Selling Metered Dispenser in the world. It activates a metered refill automatically every 15 minutes, 24 hours a day for a full 30 days. Defect free 99.999625% of the time. Operates up to two years on 2 new D-cell alkaline batteries.

**PLACE AT LEAST 12 FEET AWAY FROM FOOD.**

Quantity:

**\$29.99**

[Add to Shopping Cart](#)

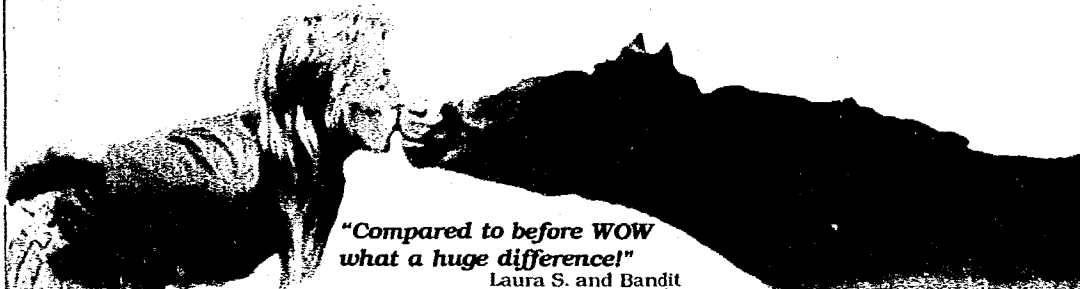
### CB Clean Air Purge III

- 0.975% Pyrethrins 1.950% PBO, technical 3.050% N-Octyl bicycloheptene dicarbimoxide
- Guaranteed effective 24 hours a day for a full 30 days
- Kills and repels Flies, Mosquitoes, Gnats and small Flying Moths

The most economically effective metered pyrethrin insecticide.

**KEEP AT LEAST 12 FEET FROM FOOD.**

# Love Horses? Hate Flies!



*"Compared to before WOW  
what a huge difference!"*

Laura S. and Bandit  
Pierston, MI

## You Need Fly Predators™

If you are tired of endlessly spraying for flies or concerned about feed through larvacides try the biological solution, Spalding Fly Predators.

By simply sprinkling a small bag of Fly Predators on your manure areas as soon as the weather turns warm you'll prevent flies from ever becoming a nuisance. Then continue releasing Fly Predators monthly through the summer to keep the fly population under control.

The tiny Fly Predator beneficial insects are the natural enemy of pest flies, but never bother people or animals. Many of our customers say they hardly see a fly all season.



### Effective Control Without Pesticides or Larvacides

Fly Predators eliminate the next generation of flies by means of natural biological control. Unlike pesticide sprays that only affect adult flies (who likely have already laid hundreds of eggs insuring more flies in 10 days) Fly Predators target the pest fly cocoon stage killing immature flies *before* they can bother you or your animals.

### Quick and Easy To Use

Nothing could be easier. Every three to four weeks just sprinkle Fly Predators, out of the bag they come in, near all manure areas. They will self distribute up to 150 feet away.

Date: 11-27-06

To: Town of New Windsor Building Department,

My name is Edythe D. Gray

and I live in the Town of New Windsor.

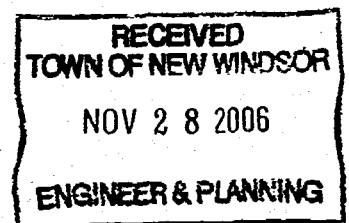
My address is

468 Riley Rd  
New Windsor, N.Y. 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Edythe D. Gray





Date: 20 Nov. 06

To: Town of New Windsor Building Department,

My name is Lisa Dixon

and I live in the Town of New Windsor.

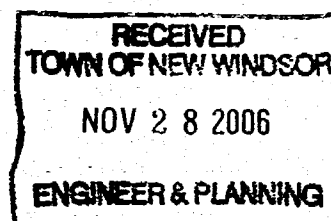
My address is

1060 Clark St  
New Windsor NY  
12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Lisa Dixon



Date:

To: Town of New Windsor Building Department,

My name is *Marianne DeGatto*

and I live in the Town of New Windsor.

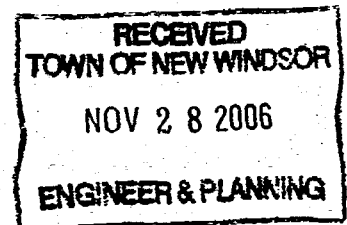
My address is

*97 Cedar Ave  
New Windsor NY  
12553*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Marianne DeGatto*



Date: 11/27/06

To: Town of New Windsor Building Department,

My name is G. Ferraro

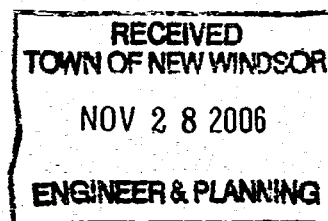
and I live in the Town of New Windsor.

My address is

2 MARK ST  
NEW WINDSOR, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You



Date: 20 Nov. 06

To: Town of New Windsor Building Department,

My name is Samuel Federico

and I live in the Town of New Windsor.

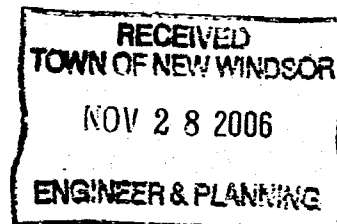
My address is

1098 Washington Green  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Samuel Federico*



Date: *20 Nov-06*

To: Town of New Windsor Building Department,

My name is *Phyllis Caputo*

and I live in the Town of New Windsor.

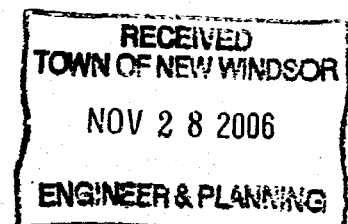
My address is

*1098 Washington Green  
New Windsor NY 12553*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Phyllis Caputo*



Date: Nov. 21, 2006

To: Town of New Windsor Building Department,

My name is Richard F. Storey

and I live in the Town of New Windsor.

My address is

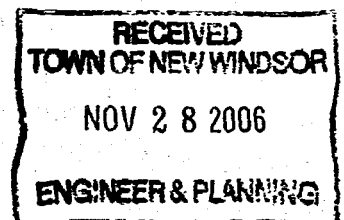
5 Mark St.

New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Richard F. Storey



Date: 11.17.06

To: Town of New Windsor Building Department,

My name is Brandon Van Leuven

*Brandon Van Leuven*

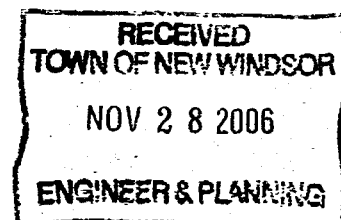
and I live in the Town of New Windsor.

My address is 6C Belle Ct  
New Windsor, NY  
12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Brandon Van Leuven*



Date: Nov. 20, 2006

To: Town of New Windsor Building Department,

My name is Diane Storey

and I live in the Town of New Windsor.

My address is

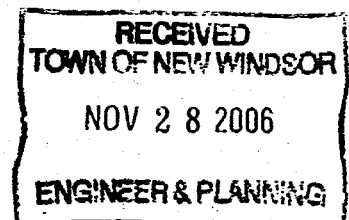
5 Mark St.

New Windsor, NY. 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Diane Storey





Date: 11.17.06

To: Town of New Windsor Building Department,

My name is

Gerard Esposito Jr

and I live in the Town of New Windsor.

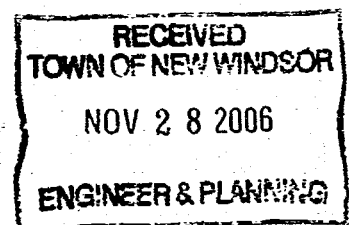
My address is

32. Stonecrest Dr.  
New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Gerard J Esposito Jr



Date: 11-17-06

To: Town of New Windsor Building Department,

My name is

Pete Garrison

and I live in the Town of New Windsor.

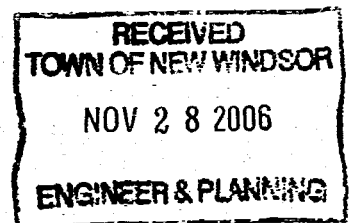
My address is

1008 Washington Green  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Pete Garrison



Date: 11.17.06

To: Town of New Windsor Building Department,

My name is

Susan Esposito.

and I live in the Town of New Windsor.

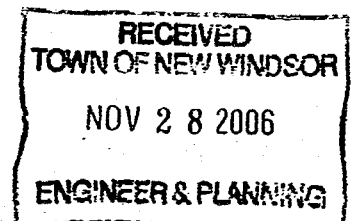
My address is

32 Stonecrest Dr.  
New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Susan Esposito



Date: 11/28/06

To: Town of New Windsor Building Department,

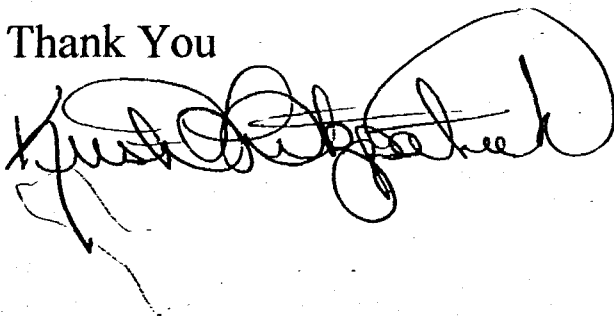
My name is Kristi Fitzpatrick

and I live in the Town of New Windsor.

My address is 201 Caesars Lane Apt. 418  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

A handwritten signature in black ink, appearing to read 'Kristi Fitzpatrick', with a large, looping flourish at the end.

Date: 11/28/06

To: Town of New Windsor Building Department,

My name is Randy Wilson

and I live in the Town of New Windsor.

My address is 10414 Little Britain RR



I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: 11/28/06

To: Town of New Windsor Building Department,

My name is

Maryann Lopez

and I live in the Town of New Windsor.

My address is

22 Oxford rd  
New Windsor Ny.

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Maryann Lopez

Date: 12/4/06

To: Town of New Windsor Building Department,

My name is Martha Leonard

and I live in the Town of New Windsor.

My address is 3 chimney corners  
New Windsor NY

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: 12/05/06

To: Town of New Windsor Building Department,

My name is BRIGITTE J PINDER

and I live in the Town of New Windsor.

My address is

172 VAILS GATE HTS DR  
NEW WINDSOR NY  
12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You



Date: 12-02-06

To: Town of New Windsor Building Department,

My name is *George Manning*

and I live in the Town of New Windsor.

My address is

*46 Merline Ave  
New Windsor, N.Y.  
12553*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*George E. Manning*

Date: 12/2/06

To: Town of New Windsor Building Department,

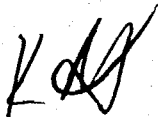
My name is Kenute Manderson

and I live in the Town of New Windsor.

My address is 119 King George Dr  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You



Date: 12.08.06

To: Town of New Windsor Building Department,

My name is Patrick Tarsio III

and I <sup>own a</sup> live in the Town of New Windsor.

My address is

2922 Route 90  
New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Patrick Tarsio*

Date: 12/2/06

To: Town of New Windsor Building Department,

My name is Tracy Manderson

and I live in the Town of New Windsor.

My address is 119 King George Dr  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Tracy Manderson

Date:

12/04/06

To: Town of New Windsor Building Department,

My name is

GORDON GROFF

and I live in the Town of New Windsor.

My address is

75 Birchwood Drive  
New Windsor, N.Y.

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: 12/4/06

To: Town of New Windsor Building Department,

My name is *KARL VAN HUSEN*

and I live in the Town of New Windsor.

My address is

*20 CEDAR AVE  
NEW WINDSOR*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: 12/2/06

To: Town of New Windsor Building Department,

My name is Arlene Yonnone

and I live in the Town of New Windsor.

My address is

56 Cedar Ave  
New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Arlene Yonnone  
Thank You

Date: 12/2/06

To: Town of New Windsor Building Department,

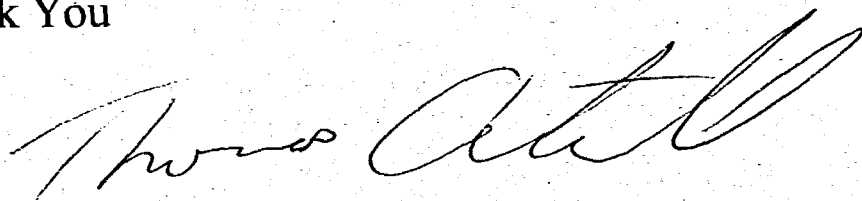
My name is Thomas Antonelli

and I live in the Town of New Windsor.

My address is 43 Hill Side Ave  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

A handwritten signature in cursive script, appearing to read "Thomas Antonelli". The signature is written in dark ink and is positioned below the "Thank You" text.



Date:

To: Town of New Windsor Building Department,

My name is *Anthony J Yonnone*

and I live in the Town of New Windsor.

My address is

*56 Cedar Ave  
New Windsor, ny 12553*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

*Anthony J Yonnone*  
Thank You

Date:

To: Town of New Windsor Building Department,

My name is Billian Antonelli

and I live in the Town of New Windsor.

My address is 43 Hill Side Ave  
New Windsor New York  
12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Bill Antonelli

Date: 12/4/06

To: Town of New Windsor Building Department,

My name is Kristen Parrone

and I live in the Town of New Windsor.

My address is

20 Ceder Ave  
New Windsor, N.Y. 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date:

To: Town of New Windsor Building Department,

My name is

*Beth M. DaSilva*

and I live in the Town of New Windsor.

My address is

*108 Blooming Grove Trnpke*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Beth M. DaSilva*

Date: 11.30.06

To: Town of New Windsor Building Department,

My name is Carol Soricelli

and I live in the Town of New Windsor.

My address is 73 Birchwood Dr.

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Carol Soricelli

Date:

To: Town of New Windsor Building Department,

My name is

*Rick Bonita*

and I live in the Town of New Windsor.

My address is

*18 Broad St  
New Windsor Ny*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

*Rick Bonita*  
12-1-06

Date: 12/02/06

To: Town of New Windsor Building Department,

My name is *Heather Parone*

and I live in the Town of New Windsor.

My address is

*26 Stone Crest Drive  
New Windsor, N.Y. 12553*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: 12/1/2006

To: Town of New Windsor Building Department,

My name is Lisa Bonita

and I live in the Town of New Windsor.

My address is

18 Broad St

New Windsor NY

12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Lisa Marie Bonita



Date: 12/1/06

To: Town of New Windsor Building Department,

My name is Katharine A Casatt

and I live in the Town of New Windsor.

My address is 122 Glendale Drive  
New Windsor

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date: Dec 1, 2006

To: Town of New Windsor Building Department,

My name is Lisa Morasse

do business  
and I live in the Town of New Windsor.

My address is

1008 Little Britain Rd #400  
New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Lisa Morasse

Date: 12-01-04

To: Town of New Windsor Building Department,

My name is PAUL Mongelli SR.

and I live in the Town of New Windsor.

My address is 210 Melville Drive  
New Windsor, N.Y. 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Paul Mongelli SR.

Date: 12/2/06

To: Town of New Windsor Building Department,

My name is Ellen Antonelli

and I live in the Town of New Windsor.

My address is

43 Hillside Ave  
New Windsor, NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Ellen Antonelli

Date: 12/2/06

To: Town of New Windsor Building Department,

My name is John Antonelli

and I live in the Town of New Windsor.

My address is

43 Hill Side Ave

New Windsor NY 12553

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

John Antonelli

Date: Dec 6 - 06

To: Town of New Windsor Building Department,

My name is *Harold Buckles*

and I live in the Town of New Windsor.

My address is *21 Stonewall Rd.  
N. Windsor*

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You

Date:

Dec 6 - 06

To: Town of New Windsor Building Department,

My name is

Ron Buckner

and I live in the Town of New Windsor.

My address is

21 Stonewood Hill  
N. Windsor NH

I am in favor of the backyard horse farm the Menkens have built this summer and would like the Town of New Windsor to approve any variances they need to keep their farm, fence and horses.

Thank You



RESULTS OF Z.B.A. MEETING OF: DEBORAH MENKENS



PROJECT: \_\_\_\_\_ ZBA # 07-05

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) 6 S) 11 VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

		2 ADDITIONAL HORSES		SHED	
MYRA	4-9-07	M	S	M	S
		LU	LO	LO	T
GANN	_____	●	N		N
LUNDSTROM	_____	●	N		N
LOCEY	_____	●	Y		Y
TORPEY	_____	●	N		Y
KANE	_____	●	N		Y



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TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

APRIL 9, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KIMBERLY GANN  
KATHLEEN LOCEY  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

ABSENT: MYRA MASON  
ZONING BOARD SECRETARY

MR. KANE: I'd like to call to order the April 9, 2007  
meeting of the New Windsor Zoning Board of Appeals.

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PUBLIC HEARING

DEBORAH MENKENS (07-05)

MR. KANE: Tonight's first public hearing is Deborah Menkens' request for two additional horses on property and 35.1 foot front yard setback in an R-1 zone.

Mr. and Mrs. Lawrence Menkens appeared before the board for this proposal.

MR. KANE: I'm going to have Eric pass around a sheet, it's just to put your name and address on, this is for the stenographer so that in case she can't make out what you say, she has a list of names and stuff to put into the record. Okay.

MRS. MENKENS: Deborah Menkens, 1 Sean Court, Rock Tavern, New Windsor.

MR. MENKENS: Lawrence Menkens, 1 Sean Court, Rock Tavern.

MRS. MENKENS: Tonight we're here to request a variance for two additional horses to live at our back yard.

MR. KANE: Why don't we do the easy one first. You're really here for two, so let's take care of the front yard setback.

MRS. MENKENS: Yes, please.

MR. KANE: Why don't you address that one first.

MR. MENKENS: We have an existing shed on a private road that's not set back far enough, it's a removable shed.

MR. KANE: Cut down any substantial vegetation?

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MR. MENKENS: No.

MR. KANE: Create water hazards or runoffs in the building of the shed?

MR. MENKENS: No.

MR. KANE: Have there been any complaints about the shed formally or informally?

MR. MENKENS: No.

MR. KANE: And approximate size of the shed?

MR. MENKENS: 12 x 24.

MR. KANE: Would you consider that a normal size for the sheds that are in your particular area of town?

MR. MENKENS: I would assume so, yes.

MR. KANE: And you understand the passing of the, if the variance is approved that the shed itself would still have to meet all the requirements in the building department?

MR. MENKENS: Yes.

MS. GANN: Mr. Chairman, on the map that we have here where would the shed be in location to the road on this map just so we know?

MR. MENKENS: Right in the back here.

MRS. MENKENS: There's the shed currently, this is the house.

MR. LUNDSTROM: It's not on there.

MRS. MENKENS: No, this is an old survey, this is a new

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survey.

MS. GANN: Do we have a copy of the new survey?

MRS. MENKENS: Mr. Babcock, do you have a copy of the new survey?

MR. MENKENS: This is where it is now.

MR. MENKENS: This is where it is now.

MS. GANN: That's where you're putting the shed?

MR. MENKENS: This is where it is now. If the board doesn't see fit, this is where we plan on moving it to but we'd like to leave it there.

MR. KANE: How long has the shed been in existence?

MR. MENKENS: Two years.

MR. KANE: Building permit applied for for the shed originally?

MR. MENKENS: No, sir.

MR. LUNDSTROM: If I may, if the shed, is there, why are you coming before this board now for a variance to make the shed legal?

MR. MENKENS: It was pointed out to us that it was too close to the road and not set back, it wasn't set back far enough from the private road.

MR. LUNDSTROM: Who pointed that out to you?

MR. MENKENS: The building inspector.

MR. LUNDSTROM: Okay.

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MR. KANE: And would it be a substantial financial hardship to move the shed to proper distance from the property line?

MR. MENKENS: It wouldn't make it financially substantial but it would be an inconvenience.

MR. LUNDSTROM: One further question. The shed itself, what type of footing is it on, is it concrete base, gravel base?

MR. MENKENS: There's a concrete slab on the bottom, I originally planned on putting up a metal shed, we had high winds and that blew down and had to replace it with the wooden shed, it's on 4 X 4 skids.

MR. LUNDSTROM: So if need be you could actually drag it off on the 4 X 4 skids?

MR. MENKENS: Yes, if need be.

MS. LOCEY: If memory serves me correctly, it's on an easement.

MR. MENKENS: Yes, an AT&T easement but that's like I said it's movable, if anyone needs to get in to service it this line is dead, it's just the easement for now, if need be, I can move that to anyplace either side.

MR. KANE: You understand with the easement though that if AT&T wanted to come in, they don't need your permission to basically go right through the shed if they had to if you want weren't around?

MRS. MENKENS: Yes.

MR. MENKENS: Yes, I understand.

MRS. MENKENS: When we put the barns in place, I spoke to AT&T, they gave me a written letter for permission

for the barns to be placed on the easement and with the understanding that if they had to come through that we'd have to move the barns.

MR. KANE: Same thing applies to the shed.

MRS. MENKENS: Yes.

MS. LOCEY: Can't push it back because of the--

MR. MENKENS: We have a fence line here that's part of the fence, the fences are attached here and here.

MR. LUNDSTROM: If I may interrupt, I'm having difficulty hearing, I appreciate the fact that our stenographer probably cannot hear it.

MRS. MENKENS: Would you like us to put the map up?

MR. LUNDSTROM: If you would that would be helpful. Thank you.

MRS. MENKENS: This is the current shed where it's sitting right now, if you're to deny the variance, this is where we would move it to off the AT&T and within the 40 foot setback.

MR. KANE: How many feet off of the, is that Sean Court right there where it is currently, how many feet off the road is the shed currently?

MR. MENKENS: Twenty-eight feet.

MR. KANE: So it doesn't inhibit the view of traffic coming down Sean Court one way or the other?

MR. MENKENS: No, sir.

MR. KANE: Any further questions on the shed from the board?

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MR. KRIEGER: Now I'm somewhat confused, you said before it was on a concrete slab, then you said it was on skids.

MR. MENKENS: It's on a concrete slab, the shed was dropped there and it's on 4 X 4 skids.

MR. KRIEGER: On top of the concrete?

MR. MENKENS: It's not attached to the concrete in any way.

MR. KRIEGER: So if the shed were moved the concrete slab would remain?

MR. MENKENS: Yes and a basketball court would be, basketball hoop would be used.

MR. LUNDSTROM: What's the size of the concrete platform?

MR. MENKENS: Maybe six inches on either side, six inches on either side of it.

MR. KANE: Just a shade bigger than the 12 x 24 of the shed?

MR. MENKENS: Yes.

MR. LUNDSTROM: What's the shed currently being used for?

MR. MENKENS: Garden supplies, tractors.

MRS. MENKENS: Lawn mowers, pool supplies.

MR. LUNDSTROM: No livestock or anything like that in there?

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MRS. MENKENS: No.

MR. MENKENS: We store some feed in there.

MR. KANE: Any further questions from the board on the shed? Okay, I'll just remind the board that when the vote is taken they'll be taken as two separate issues so we'll make the appropriate application at that time. Okay, Deborah, horses.

MRS. MENKENS: Okay.

MR. KANE: It's going to be separate vote at the end.

MRS. MENKENS: I'm here tonight to request a variance for two additional horses to live on our back yard Hobby Horse Farm, the horses belong to myself, my son, Matthew, my son, Michael, and my husband, Larry.

MR. KANE: And the reason that you want to double the amount of horses on your property?

MRS. MENKENS: There are four of us that ride and we'd like to ride at the same time.

MS. GANN: Just for the record, what will the horses be used for?

MRS. MENKENS: For our recreational use.

MR. LUNDSTROM: Mr. Chairman, a question. The additional two horses, where are they now staying?

MRS. MENKENS: At Holly Bush in Salisbury Mills being boarded, they have been there since November.

MR. LUNDSTROM: How far away is that facility from your house?

MRS. MENKENS: Between three to five miles.



MR. KANE: And the approximate property size?

MRS. MENKENS: It's 4.159.

MR. KANE: Do you feel that this is an adequate size to maintain four horses?

MRS. MENKENS: Yes, it is because we feed them grain twice a day and we supply them their hay so they do not rely on the pastures or the paddocks for feed.

MR. KANE: So they're basically non-grazing?

MRS. MENKENS: Non-grazing.

MR. KANE: And you currently have two horses?

MRS. MENKENS: Yes, we have two horses there right now.

MS. GANN: What would be your, I don't know how to say this but maneuver management plan?

MRS. MENKENS: We have a wagon, it's a cart we put the manure on there directly from the stables and paddocks and take it to a local farmer once a week so there's no manure storage.

MS. GANN: You just pill it up?

MRS. MENKENS: In the wagon, we keep it covered every day.

MS. GANN: It stays in the one wagon every day. It must get pretty high.

MRS. MENKENS: No, it's 12 x 6.

MS. GANN: Okay.

MR. KANE: With the two horses you're basically it looks like you're zoned in an R-1, a lot of single family homes in your area, have there been any complaints formally or informally about the current situation with regard to the horses?

MRS. MENKENS: With just the two on the farm right now, no, there haven't been any complaints.

MR. KANE: Any further questions from the board at this time?

MR. LUNDSTROM: At this time, I'd be interested in hearing what the public has to say.

MR. KRIEGER: I have a couple. You said the property was 4.19 acres, is that correct?

MR. MENKENS: Yes.

MR. KRIEGER: That includes the paddocks, house, the driveway, the concrete slab and I think you mentioned at preliminary that you intended to erect--

MRS. MENKENS: No, it's already existing.

MR. KRIEGER: That would be part of the 4.19 acres?

MRS. MENKENS: Right here we have a riding arena, right here is the riding arena, right here we have a round pen for riding.

MR. KRIEGER: How much of the 4.19 acres is taken up by the house and the driveway?

MRS. MENKENS: I know the opposite answer.

MR. KANE: You can address it that way.

MRS. MENKENS: It's about 3.9 acres that the farm is

on.

MR. KRIEGER: After?

MRS. MENKENS: Taking away the house and the driveway.

MR. KRIEGER: The 3.9 you said and the does that take away the concrete slab?

MRS. MENKENS: I didn't include the concrete slab then we can subtract the barn if we wanted to too.

MR. LUNDSTROM: One question, I know in the preliminary there was talk about a fence, what is usable area for the horses inside the fence?

MRS. MENKENS: I haven't figured that out, you're talking about the interior of the fence or interior or the electric fence?

MR. TORPEY: It gets smaller as it goes.

MRS. MENKENS: I had to keep the animals 75 feet off the property line so I had to erect an electric fence on the interior of the fence.

MR. TORPEY: So how much does that, it made it smaller.

MRS. MENKENS: Yes.

MR. LUNDSTROM: How many usable acres do the horses have excluding the property outside the electric fence, excluding the house and the driveway?

MR. KANE: You can give an approximate.

MR. MENKENS: Two acres, maybe a little bit more.

MR. KANE: Okay, at this point, I'm going to open it up to the public, please don't be repetitive. If you have

any questions, state your name and address when you stand up to speak. Are there any questions from the public on this particular hearing?

MS. EXPOSITO: I'm Sue Esposito, friend of the Menkens and as you're just you're looking at the and I understand this is about size and things but you don't understand these horses have their own personality, they're companions to the Menkens, they have been born with, they have been ladled with the burden of boarding outside their home and not being able to spend any time that they need with the, with these horses. So that's a factor. And you have to look at it as such her children have emotional attachments, we call them pets, you may think of them as a horse or pet, it is their companion, it's not just their horse or their pet, it is a part of their family. The horses are part of their family. And you have to take that into consideration. I actually told her to bring her horses home back in November, it would be cheaper to pay your fine than pay the boarding fees. What the children have gone through is unnecessary, you have to look at a bigger picture sometimes.

MR. KANE: Thank you.

MS. WATSON: I'm Chip Watson, Mid Hudson Regional Director for the New York State Horse Council. The Menkens have made efforts to house their horses in a more than adequate manner, they have been certified by the New York State Horse Health Assurance Program which is a program where a representative from the state comes down, checks over their management program which includes the care, the maintenance of the horses, the manure management, the setup of the facility, the use of the animals and they have passed and they're a certified farm horse farm. So they're complying really well with horse care maintenance. They have also been in touch with the Soil and Water Conservation Group and they have come out and done an analysis to say that

there's no runoff that's affecting any of the neighbors with this particular property. Also with the manure management program there's a substance called Solitude which is a feed through fly control substance, what it does it doesn't affect the animals but what it does is when the horse does have a manure pile or something in the field if any flies or anything land on that the larvae is made to decompose it but not allowed to become a real fly. So the fly problem is not an issue when they feed Solitude. The fly problem would be more of an issue for the neighbors who don't take care of their fly problem rather than this, so they're complying with horse care management in a very exceptional manner.

MR. KANE: Thank you.

MR. DECKER: Jack Decker, 462 Toleman Road. As with the flies, all right, last summer when they had it put in, I got a pool in my back yard and you can't really enjoy it because we have the manure smell coming over, you can't keep windows open at night, you have the horse smell coming in. Two out of three houses are up for sale. I'm wondering what it's going to do to the value of my property. I'm sure when these people bought the houses they were more than willing to stay there a longer length of time, they have been there very short time and moving out because of the horse farm. So I just want to know what it's going to do for me.

MR. KANE: Ma'am?

MS. GRAY: I'm Shelly Gray, I own two farms that are in Cornwall, one of the farms is where Debbie's horses are boarded at. I'm also the chairperson for the Equine Advisory Committee for Orange and Ulster County, also a board member of the Orange County Dressage Association. Knowing my farm is also certified for the horse assurance program as Debbie's is and it is an

incredibly stringent program, I mean, you're inspected, you have, I know for myself I think there's only 9 barns in all of New York State that are certified as a boarding operation, that's how stringent it is. She has to do stuff that I'm telling you none of the, there's plenty of the horses in Orange County and none of them do what she does to care for things properly and do the right thing and be a good neighbor. And I know where I am I have neighbors are next to my farm and I care for 72 horses, my neighbors love me, they love the beauty of the agriculture, they don't like seeing New Windsor and Cornwall lose what was beautiful about it. Our agricultural which was something you drove by and happy to live next to, somebody with horses it was like oh, I live in the country, this is beautiful. She's obviously caring for the smell, the flies and doing everything right. I would think we'd want to support this, keep these things in this area, this is what makes, what's beautiful about the Hudson Valley instead of it being little tiny postage stamp developments.

MR. KANE: The size of your property?

MS. GRAY: I have between, well, there's two forms, one is 45 acres, one is 120 where I kept my horses at home, I mean, the rule was always an acre per horse, that's what they used to say but it's different if you're following the criteria, you're supplementing the feed, that was if you're going to turn that horse out and they're going to eat on that field, that's where you went by the acre, mostly, I mean, what you have is more than adequate, more than adequate than what most people have in Orange County. It's very common as Chip knows to have horses, I mean, it's huge in Orange County, we have some of the, how many horses in Orange County, it's ridiculous in the back yards, they're not doing what she's doing, you've very pleased to have her meeting that criteria in New Windsor because that's not what's going on in the other towns, I can tell you

that, but, I mean, I think she's doing the right thing and I don't think two other horses is going to make much difference.

MR. KANE: Thank you. Anybody else?

MS. ANTONELLI: My name is Lillian Antonelli, I was born and raised in this town and I have seen it evolve and I think people need to remember that New Windsor actually was farmland at one point in time and well New Windsor was farmland at one point in time and people have seemed to have forgotten and we have seemed to have forgotten that now we have building and constantly building condos, town homes and houses in an area where we're not meant to have so many people to be on our streets. I have been at Deb Menkens' house and I would prefer to step out on a street and see horses instead of another house built on top of a small lot where there should not be another house at. I'm thankful to go over there, she's very friendly and inviting, the horses are very well cared for, I was very impressed, she's been going around and expressing and lecturing, has showed my son everything, very open to the community and public. I have gone out there and in all kinds of weather I have never smelt the manure. I understand the concerns but you need to understand the housing market is very stressful right now, if people are putting their houses on the market, they're selling to get out to make money to move on, maybe to move south, go into other directions, it's not the only reason why they're selling is because there's horses in the back yard. You cannot just blame that and use that as an excuse. And I want to make that known that there's other reasons to be selling their homes right now. And if you said it would happen less last year they put it on the market, you can't use that as an excuse, they're doing it because the time to sell and time to make money and move and but also we can no longer afford to live in this community because the market is the, the taxes are so high so for people

moving out and more people coming in the houses have sold which means people have bought the houses knowing there's horses in the back which tells you people people don't have a problem with it, they like the idea there's not going to be another house built on top of them, it's an open community and has horses there. And that means you don't have to worry about other people being around you and I'm thankful for that, I'm thankful that somebody has kept true to keeping an open community around here and instead of having me walking out of my house and I look over and I see town homes, 400, 300 town homes out there, it's disgusting, and so I happen to like going out there to visit her, it's peaceful and quiet. That's it.

MR. KANE: Thank you.

MR. DECKER: Jack Decker, 462 Toleman Road. I didn't realize that we had to bring other people to condemn this and she says people knew the horse farm was there, it was not there when they bought their houses, the horse farm is after the houses were occupied.

MR. KANE: Thank you, sir, we're not going to debate, not going to debate, okay, if you have something new to add I'll let you speak again. Ma'am?

MS. WATSON: Chip Watson. I'm the Mid Hudson Regional Director for the New York State Horse Council. The other thing you need to be aware of is that the Menkens are in an Ag District and if you have property in an Ag District, you have a right to farm. And if you have the right to farm is supposed to be explained to people before they buy their homes in in that area whether there's a farm there or not, this is an Ag District and that means that a person who buys the property in that area knows they can farm, knows that other people can farm and there will be farm odors farm, just farm activities. So the person who is not a farmer that buys in an Ag District recognizes that, accepts that



and the farmer has a right to farm.

MR. KANE: Wouldn't you say that would be the same thing as knowing when you bring horses on the property what the rule is to have two horses only? It's a very similar thing, you know what the laws are when you bring them in.

MS. WATSON: Realtors are supposed to help their buyers too so she's asking for a variance.

MR. KANE: I understand. Thank you. Sir?

MR. BONITA: Richard Bonita, 18 Broad Street, New Windsor. In defense with the smell we have been to the Menkens several times for barbecues in their driveway out in the yard, their driveway, there's no odor of horse. So if the neighbors are smelling horses and not on top of that theirs isn't the only horse farm on that street, there's no odor of horse on their driveway. I have a good friend lives across the street, I have spent time in his back yard, there's no odor of horse so that's extenuating, I think.

MR. KANE: Thank you. Ma'am?

MS. SCHIRALDI: Debbie Schiraldi, I live at 275 Beattie Road in New Windsor, Washingtonville mailing address. I have been a Hudson Valley resident in our area for 44 years and I have had my property on Beattie Road since 1982, I'm also a horse farm owner, recreational, I live in the Town of New Windsor, I have 5.4 acres, it's zoned for two horses. But what I'd like to say is that I would like to see the Town of New Windsor comply more with a more horse friendly attitude, less than a half mile down the road from me is Hamptonburg and if my house was in Hamptonburg I could have four horses. And that's my point that I think that New Windsor has lost the flavor of that country feel. I grew up in Washingtonville with horses and cows before condos and

neighborhoods and I think that we should remember that the big picture for some of us that have been here a very long time and that we should be more AG friendly. Yes, they did put the cart before the horse, I bought my property, I knew what I was zoned for but I would also like to see New Windsor maybe change the idea of having more horses on a more AG friendly venue. Thank you.

MR. KANE: Thank you. Ma'am?

MS. BONITA: Lisa Bonita, 18 Broad Street, New Windsor, New York. I have one comment, actually, one of the things the issues that I think about is if I lived on Toleman and I saw bulldozers and people cutting down trees I would raise a question and cause, bring a concern or an issue then as it was happening. I'm also a friend of Deb Menkens. I am a previous horse owner, unfortunately, I lived in Sullivan County and people across the street from us had a horse and I also live in an area where there's a donkey and a horse less than a mile away, don't have a problem that, I know that they're the grandfather clause because at one time we were an AG area and it seems like we want more tax money so we're building, building, building. We can't even get down the road, you know, and I also was involved not as far as the creation but privy to what she invested in this property and this gentleman's concerned about his value of his property, her value of her property is upwards to more than a million dollars, it certainly would not degrade on his property. I have lived in towns and even our neighbors where we have cars and trash and they diminish, you know, what we can't, it's an issue that everybody has that what's in someone else's yard but you can't control, you know, what your neighbors are doing. But if you see it happen that's when it should be done. And I don't understand why, you know, that there's this big problem with all the houses saying they want to sell when this has been in existence for quite a while, that's all.

MR. KANE: Thank you. Anybody else?

MR. RAKOWIECKI: Joe Rakowiecki, Station Road, Salisbury Mills. I'm a retired dairy farmer, I have been here 62 years, I've got some aerial photos that I could give to the board, you have probably got aerial photos from the USDA Farm Service. When you look at the aerial photos there there's a lot of open land there, there's more of a concentration of open land and there's a few houses around, it would be good to keep open. I have been to the Menkens' farm also, we had upwards of 150 head of cattle when I milked cows. I know what it is to take care of the horses, those horses are living in the Waldorf Astoria type building. The Menkens know how to take care of horses. I know how to take care of cattle. It's nice, it's clean and if they use the larvicide on the manure and I can't smell manure there, I mean, it's ridiculous, I mean, I've smelled more manure than everybody put together in this building and it's nil, it's nothing and I have showed cattle and you want to talk about manure smelling and stuff, you go over to the cattle shows and the people come at the shows, you get people coming all over the place and there's not a problem. So I can't see what the problem is here with a couple extra horses cause I bet you 99 percent of the people would rather have horses than houses.

MR. KANE: Thank you. Anybody else? Last chance. Okay, we'll close the public portion of the meeting and give me a second to get some paperwork.

MR. BABCOCK: Can I just give you some information and I think Mr. Lundstrom was looking for prior to this. One of the issues that goes along with having horses says that you must maintain them 75 feet from the property line. When you measure in 75 feet from the property line where they have to maintain them it leaves an area of about 270 feet, based on this scale

of this drawing by 230 feet, that calculates out to be 62,100 square feet. So where the horses must be maintained is about, it's less than an acre and a half, it's not the four acres. So having a horse, I know that's what you were trying to get at where the horses must be maintained, so the record is clear, it's not four acres, it's an acre and less than a half where the horses must be maintained.

MR. LUNDSTROM: Thank you.

MR. KANE: Also for the record let it be known that 23 addressed envelopes containing a notice were mailed on the 23rd of March, 2007. On those we received two back and we'll read them into the record. My name is Brett Smith, I live at 4 Sean Court. I will be unable to attend the public hearing on April 9 for appeal number 07-05, Deborah Menkens' request for two additional horses on the property. I'm opposed to this request. I have attended the previous variance meeting in August, 2006 for the request for more horses. From August, 2006 to December, 2006 they did have six horses on their property. The smell was unbearable. I ask you not to accept their request for two additional horses.

Next is from time Tim Spindler and family at 2 Sean Court. I'd like to express concerns about the proposition of two additional horses to the Menkens' property. In August, 2006 the Menkens brought six horses to their property with the horses flies and a strong odor followed. Throughout the rest of the summer and into the fall we routinely had flies in and around our house. Prior to the horses, we haven't had a problem. Some days were worse than others, however, they're a nuisance we could do without. Big horse flies soon followed and I can tell from experience when they bite it hurts. So with two small children I don't want to take any chances. In addition to the flies, the horses created a stale smell in the air. At times while sitting on our back deck, the odor was so strong

we had to go in the house. The wind determined the strength of the smell but it lingered on a daily basis. Again, something we could do without. The horses were only around for one month of the summer. I can't imagine what kind of smell or flies they'd create through an entire summer. Since that time, the Menkens had to remove four horses per the Town of New Windsor court for violating the town codes. With the experience of last summer, it's hard to imagine that it would be any different this summer. The flies and smell were an inconvenience that hindered the outdoor lifestyle of my family. With the past in mind it's hard to agree with the proposal for additional horses on the property.

So that's the mailings. We'll take it back to the board for questions.

MR. LUNDSTROM: Mr. Chairman, one question. We've heard quite a few people speak tonight. Can I see by a show of hands how many people spoke in favor of the two horses? I can't, 2, 4, 6, 7, 8 people, how many of those people live within 500 feet of the Menkens' property, the ones that spoke in favor of it? May the record show that I see no hands up of the people that spoke in favor of the Menkens having two additional horses live within 500 feet of the property. Mr. Chairman, let's ask the opposite side of that question. Those people who spoke against the two additional horses, can I see by a show of hands those people that spoke against the two horses that live within 500 feet of the Menkens' property? Can I see by a show of hands? Sir, do you live within 500 feet? May the record show there was one person spoke against it and that one person was within 500 feet.

MR. TORPEY: Excuse me, Mike, if that property's there but now it's all just squeezed into a smaller property that's all they get to roam around those two horses, they can't go beyond that electrical fence?

MR. KANE: That's correct.

MR. TORPEY: Then where is the two acres even for two?

MR. KANE: It wasn't two, I think Mike narrowed it down to one and a half.

MR. TORPEY: If you need two acres per horse.

MR. KANE: Basically New York State suggests one acre per horse.

MR. TORPEY: Why are they going 75 feet off the property line for a fence now, they don't even have two acres?

MR. KANE: Well, that's really the issue, not whether anybody likes horses or not whether the property is big enough to handle the horses in that particular zone.

MR. TORPEY: They've got an electric fence and they have to stay in there?

MRS. MENKENS: I would have to go for a variance to allow my horses up to the fence, wooden fence like that's existing I ran up to too much opposition in the neighborhood so we decided to put a 75 foot fence line, electric fence line.

MR. TORPEY: So the horses can't even go to the property line now.

MRS. MENKENS: Seventy-five feet within the property line now.

MR. TORPEY: That's a small area.

MRS. MENKENS: Yes.

MR. TORPEY: That's a shame, I love horses but--

MR. KANE: That's part of the public process, you get a chance to speak when it's open. At some point, it closes, that's why I give you more than enough time. I go back a second and third time, after that, it ends, you can stay here all night debating or bringing up points.

MRS. MENKENS: Eventually, I'll go for another variance to allow the horses on the existing wood fence line but right now, the horses are confined 75 feet off the property line that's electric.

MR. TORPEY: So you lose half your property.

MRS. MENKENS: Pretty much, yeah, the horses were too close to the neighbors.

MR. KANE: Can you speak on when you did have the additional horses what type of opposition you ran into?

MRS. MENKENS: All right, I have a whole thing that I can read off if you'd like.

MR. KANE: Now's the time, ma'am.

MRS. MENKENS: All right the Menkens Hobby Horse Farm is certified by the New York State Health Assurance Program issued by New York State Agricultural and Markets Department, exceeding best practices in horse and farm care. When certification was issued in November, 2006 there were six horses on the property. When Dr. Denny came out to visit me and do my certification she was astonished by my farm, how clean it was, how well maintained it was and how happy the horses were and that's when I had six horses. At the same time, I had Orange County Soil and Water come out and did a site visit. Mike Mallett did the visit, you have the paperwork from his observations now. Currently, I'm in the Agricultural Environment

Management which is also done by Orange County Soil and Water, I'm Tier 3. In that, in the report he has listed my best practices, things that I can improve on and any, the information that I'm about to address. I have been working with the Agricultural Department at Cornell Cooperative Extension in Orange County. I have been in training programs designed to meet educational needs of horse farmers. My back yard also has been nationally certified by the Federation of Wildlife as a back yard wild habitat. New York State minimum lot size for horses if pastures are to be used for sustenance then one acre of pasture for horses is usually appropriate. If the area's to be used for a turnout area which my farm is then five or more head may be carried on one acre of land. Most horse operations are closed systems where they are conducted on smaller acreage, feed is brought in and manure is exported off the farm. Horses are exercised in various arenas, indoor and outdoor and rotated in small rectangular fences areas (paddocks). I have paddock areas, I have an arena where the horses are exercised and I have a round pen where the horses are trained. Flies. The report from Orange County Soil and Water as far as the flies go this was a bad summer throughout New York State but this is the best answer that I can give you. There are so many different species of flies and many people cannot tell them apart even if they had to. Maybe an entomologist. All flies look for decaying organic matter to breed in. Hence the reasons why your neighbors believe you are the cause of the extremely high amount of flies. Organic manure. The winter of 2005 into 2006 was an extremely mild winter. this allowed many flies and larva to survive when they usually were destroyed due to the extreme cold. I believe this to be the problem number one. The second problem is that flies love to breed. Some can reproduce more than 10 times a year if conditions are right. Well, conditions were right. Spring was pretty wet and the summer was mildly warm therefore bounties of flies were noticed. There are some things that



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favor the breeding of flies. Animal manure is. Flies also like areas that are wet, again, this was a pretty wet year. Storm water and culvert pipe. Report from Orange County Soil and Water. The culvert pipe that drains the water onto your property cannot be stopped. About the only thing you can do is persuade the water to go the direction you want it to on your property. What this means is that if you have the elevation change drop from start to finish you can create a swale that will allow the water to stay inside the channel and not affect any existing management practices or structures that you have in place. There are guidelines to follow when building this type of permanent drainage practice. You and your neighbor will still have to deal with the water on each of your properties. Building the ponds like you have on site will slow the movement of water down. If you appreciate the environment that these ponds create, wetland vegetation/aquatic critters, I would leave the ponds as are, or create more of them. Keep in mind that this will not solve the water issues. If you are interested in getting rid of the water as quickly as possible, you can again put it into a properly sized channel or swale and keep it moving on and off your property. This may be a good idea if neighbors continue to complain about water contamination. Manure. Pithing the soil on the outside of the fence is up to you. This may call for a cut in the toe of the soil away from the fence. You do not want to build the soil up next to the fence because this may cause more ponding. I would leave the soil the way it is but continue thinking about that buffer in between your fence and the existing land. I have also sent to you a report from our initial visit. AEM which is Agricultural Environmental Management. There is a lot of information in the report regarding farming in New York State. I hope that it will be beneficial to you with your farm decisions. The existing culvert pipe is draining storm water from 2 Sean Court. The swale still exists and runs into a manmade pond. The pond

currently has green frogs and gold fish. Would you like me to show you photographs?

MR. KANE: No.

MRS. MENKENS: Property line.

MR. KANE: Do you want to see photos?

MR. LUNDSTROM: No.

MRS. MENKENS: Property line. Information gathered from a FOIL. Steel-front deck is 180 feet from property line, 255 feet from electric fence and 345 feet from barn. Menkens' back deck 70 feet from fence, 145 feet from electric fence and 235 feet from barn. Smith, 78 feet from wooden fence, electric fence and barn is 235 feet from property line. Spindler, 75 feet from electric fence, 56 feet from wooden fence and barn is 240 feet from property line. Property value. A letter from Miss Watson, licensed New York State realtor. The value of the Menkens' property located on 1 Sean Court, New Windsor has not been decreased due to the installation of a horse facility. The neighboring properties have not been affected by the presence of horses in the neighborhood. The adjacent property also houses horses. The property is located in an Ag District which is covered by the Right to Farm laws and is protected from frivolous lawsuits and complaints. The farm is a certified under NYSHHAP, New York State Horse Assurance Program, which evaluates the care and maintenance of horses and the property. Property value is based on the current sales of other similar houses in the area. A comparable property evaluation is calculated on the condition, location, style of the house based on existing sales of similar homes. A properly maintained horse farm does not bring the value of the neighborhood down. I spoke to the Town Assessor two weeks ago and he came out to reassess my property and the assessment will go up because I have raised the

property value putting the farm there. Horse odor. The report from the AEM, waste management practices on the Menkens' Hobby Horse Farm seem to be up to speed. If a situation came up on the farm where a dead animal had to be disposed of, a rendering company would pick up the animal within 48 hours after the death. Manure is removed from the farm weekly, and will be talked about in greater detail later in the report. Any type of waste oil, grease and antifreeze is immediately taken to a recycling facility. All plastic containers are triple rinsed and recycled. Old lead acid batteries are exchanged when the new batteries are purchased. There are no products on the farm causing problems such as veterinary/medical waste, fertilizer bags, plastic bale wrap/silage bags or paints/solvents. The farm does not contain a dump or a burning barrel that could cause controversy with the nearby neighbors. On the Menken's Hobby Horse Farm, no manure from horses 12 months of age and under is ever applied to hydrologically sensitive areas. Actually, all manure on the farm is removed and composted off site. If foaling stalls are needed they will be stripped, disinfected and rested at least two weeks before reused. The Menkens' Hobby Horse Farm is participating in the NYS Horse Health Assurance Program. This program is a voluntary certification program designed to promote and to teach a proactive approach to equine health, care and welfare through the use of certain Management Practices and to recognize exceptionally managed equine operations. Manure is not spread on the land that will be used for pasturing or production of hay within six months after spreading. This will greatly reduce the chances of infection from protozoa and bacteria. The barn on site is well ventilated and cleaned daily. Feed and waterers are also cleaned regularly, again reducing the chances of infection and eliminating all possible environments. I recommend that all manure-holding areas on site be covered to keep odors down and storm water out. Manure Management for Horses AEM Report. Manure management on the

Menkens' Hobby Horse Farm is stored in a location and regularly hauled off the farm. I suggest that the defecation area of your pastures continue to be cleaned of manure and all fence lines contain a vegetative buffer to catch all nutrients leaching that is occurring. Outdoor Paddock and Arena Management AEM Report. In the case of the Menkens' Hobby Horse Farm, permeable soils do not cause an issue for runoff and increased infiltration. As of right now, vegetation is spotty on the paddocks due to the fact that it was recently fall seeded. A lot of the area is covered with a layer of mulch for protection. Seeding will be completed into these areas during this coming spring. Manure is regularly cleaned up and removed to storage from the paddocks. This will reduce the chances of polluting surface or ground water. All clean roof water is going to be collected and stored in rain barrels. This will reduce the amount of sheet flow occurring in the paddocks. I suggest that a vegetated buffer be maintained outside the paddock fence area to help contain and absorb nutrients that may be in the runoff. Along with keeping vegetation maintained on the outside of the paddocks, vegetation must be maintained on the inside of the fence. The main idea is to keep the paddocks 100 percent vegetated from proper rotational grazing. Keeping vegetation maintained on all of the paddocks is a dream for all horse owners. Agriculture and the Community, AEM Report. Farming in all areas of the world has an impact on the economic, social, recreational and environmental benefits to the community, town and watershed it is located in. Orange County and the Town of New Windsor are undertaking efforts to preserve farmland and want to document the multiple public benefits of retaining a viable agricultural industry within the community. The Menkens' Hobby Horse Farm is located nearby agricultural businesses, nonagricultural businesses, residential housing and public buildings. Neighbor relations seem to be a concern in the small rural community. Farm operators pay close attention to

the appearance of the farm and all the equipment as well as the management practices being implemented. The farm does not contain a conservation easement nor does it have a conservation nutrient management plan that is being followed at this time. There is an impact on the regional and local community's economy because of this farming operation. Local businesses are utilized on a day-to-day basis. I would feel safe to say that the farm is part of a desired viewshed that promotes tourism and adds to the quality of life in the community. Currently, we are working with Lucy Joyce from the Agriculture Department at Cornell Cooperative Extension of Orange County, she requested that if anyone has questions about my farm to give her a call, she's out of town on vacation and sorry she could not be here. The neighborhood's health and safety have not been affected by our horse farm. The character of the neighborhood is being changed by new homes sprouting up in a once farming community. But at the same time this cannot be said for the Menkens.

MR. LUNDSTROM: Can I interrupt you for a second? Are these now your statements, are these the statements--

MRS. MENKENS: These are my statements. We're being watched, people have trespassed, photos taken of our private back yard space, singled out by reporting only our violations of the town when other violations exist on Sean Court, called town hall daily complaining about us. Not to mention a neighbor trying to run me and my son over with their SUV. Special attention has been given to a neighbor any new complaints please call so and so dated 8/7/06 with a business card attached which is in my building department folder. The neighbors have frightened my sons and endangered their health and safety by their watching, taking pictures, trespassing, reckless driving and daily deliveries on Sean Court. My sons will no longer play outside without either Larry or myself being with them.

MR. KANE: Okay thank you. Anything else you want the board to consider?

MRS. MENKENS: I really would like my horses home.

MR. KRIEGER: In an R-1 zone if they had 20 acres they would be permitted to have an unlimited number of horses, is that correct?

MR. BABCOCK: Yeah, there's no number at 20 acres.

MR. KANE: So the issue isn't whether that to me at least whether you run a good farm or not, obviously you do with the two horses that are there, it's doubling the amount of horses on a small property space that to me is the issue.

MR. TORPEY: They're not meeting two horses right now.

MR. KANE: The general guideline of per horse from New York State true but again, I think that's the issue, it's not an issue whether you do a good job of doing it cause obviously you do and I think a lot of statements here and that you have read have indicated that people are against you having horses at all which is not the case, the case is that you do have two but you want to double what's there already on a small parcel. So I just want to state that because a lot is coming that it is not against having horses or that your property is not nice.

MR. MENKENS: If feed is the concern, don't depend on the grazing, we bring it in as met by the standards, the paddocks are cleaned every day, every other day of manure.

MR. KANE: I'm sure they are, I don't have any question on that.

MRS. MENKENS: My pastures are not used for substance,

my pastures are not used for feeding the horses. If my pastures were used for feeding the horses then the rule is one acre per horse. If the area to be used for a turnout then five or more head may be carried on one acre, that's the New York State law, I bring in food, I bring in the feed and they're exercised daily so I'm meeting the needs of the horses.

MS. LOCEY: Where are they exercised?

MRS. MENKENS: In the arena and the round pen and when the weather is permitting we'll start trail riding.

MR. LUNDSTROM: Mr. Chairman, question. Let me ask first question to the building inspector, R-1 zone the current in this situation is two horses?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: How long has that zoning been in effect, two years, five years, ten years?

MR. BABCOCK: The two horses I think was 1986, the 75 feet was a change that came about because of complaints of the horses being close to the property lines, you know, somebody else's property line.

MR. KANE: Within the town, not just with Mr. and Mrs. Menkens.

MR. BABCOCK: Yeah and that was a long time ago, I don't remember when that changed but that was a long time ago.

MR. LUNDSTROM: If I may now ask a directed question to the Menkens. How long ago had you purchased the property?

MRS. MENKENS: Four years ago.

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MR. LUNDSTROM: So then the zoning was in place at the time you bought the property?

MRS. MENKENS: Yes. Now, if you let me take the electric fence down then I'll have plenty of space for the horses. I had to ask.

MR. TORPEY: Well, how far does the fence have to be from the property line right now without the electric fence?

MR. BABCOCK: That's where it has to be.

MRS. MENKENS: It has to be 75 feet off the property line, if I took down the electric fence, the horses would be free to roam within the fence line.

MR. TORPEY: But how far is the fence right now off the property line?

MR. BABCOCK: There's two fences.

MR. TORPEY: Talking about the wooden fence.

MR. BABCOCK: The wooden fence varies, 30, 32 feet.

MRS. MENKENS: To 78 feet but--

MR. BABCOCK: But it's probably it's a good bit more area for the horses to be in but they would need a variance which they're not applying for at the time they would need a variance to do that.

MR. LUNDSTROM: One other question to the Menkens. How many horses do you own, are you talking about currently own four horses?

MRS. MENKENS: Four horses, yes.

MR. LUNDSTROM: Cause I know a while back when you were



before there were six horses, you've sold the other two?

MRS. MENKENS: I didn't sell them, I had to give them away.

MS. LOCEY: What about the proposal that you had prior to this particular application about some sort of a riding school or something for handicapped children?

MRS. MENKENS: It was a letter of inquiry that was taken out of my folder and blown out of proportion, there's no school, there's no therapeutic school.

MS. LOCEY: So you didn't change your mind, someone misinterpreted that?

MRS. MENKENS: Someone, yes.

MR. MENKENS: It was inquired about.

MRS. MENKENS: Left as is, I never thought it would come up to bite me again.

MS. LOCEY: You inquired about it?

MR. MENKENS: It was inquired about, they said no and that was the end of it.

MRS. MENKENS: And I'm only, I can only handle one issue at a time, so I figured I'd like to bring my horses home and then eventually address the fence line so the horses would have the property to roam. It's not like they're constricted in a little box and cooped up, believe me, they run and, excuse my language, fart a lot in the fields.

MS. LOCEY: I actually drove passed and looked at it, it did look kind of cramped to me, a lot of fencing in a small area.

MR. MENKENS: Which part did you see?

MS. LOCEY: I saw the--

MR. BABCOCK: There's several fences, it's very deceiving to see from the road, you really have to look down on it to understand it better. Looking from the road there's several fences and it's very, if you don't really sit there with a survey, it's very hard to determine what fence is doing what, the electric fence you probably you may or may not have seen, you know, it's the wooden fence then there's another wooden fence that goes around so there's several fences there so it's difficult to understand where the horses would go.

MR. KANE: Any further questions from the board? If there's none, I will accept a motion.

MR. LUNDSTROM: Just one further question, if I may. Would you just give a brief synopsis for the purpose of zoning in the town why does the town adopt zoning?

MR. KRIEGER: The concept of zoning dates back to a Supreme Court case Euclid (phonetic), long time ago, so the purpose of zoning in New Windsor is basically the same as it is whenever it's been enacted and that is to control the use of property so that the use by one person does not impinge on the rights and privileges of his or her neighbors. When we exist in a society where there's basically unlimited land this was not a concern because people were so far apart. As they've gotten closer together, the use that one person puts their land to may have an adverse impact on neighboring land owners who have the same right to enjoy their property as everyone else. And so where zoning has been upheld as a legal restriction going back to the Euclid case and all the cases thereafter it has been to put reasonable restrictions on the use of real property so as to not to deprive other owners in the area of the

right to use their property as well.

MR. LUNDSTROM: Thank you.

MS. LOCEY: Could I ask the Menkens another question?

MR. KANE: Absolutely.

MS. LOCEY: What, briefly, what's being done differently now that was not done in August or September?

MR. MENKENS: The manure was being raked up in the fields.

MRS. MENKENS: There was no grass because the project was just coming to completion.

MS. LOCEY: How does the grass help besides look nice?

MR. MENKENS: Cuts down on the erosion for water issues.

MRS. MENKENS: Holds the ground together so we don't have mud.

MS. LOCEY: What's the Solitude policy?

MRS. MENKENS: That's the manure management and how you get rid of it.

MS. LOCEY: And you're getting rid of it by taking it off site?

MRS. MENKENS: Yes, we have this big cart that we put the manure on every day and every week we cart it off so there's no manure stored any longer, manure is no longer stored on the property, manure is not longer spread on the paddocks. I have sacrifice paddocks so the grasses can grow, I have four paddocks so I have

rotation going on with paddocks, I also have my arena, my round pen where we work the horses.

MS. LOCEY: And what about larvicide?

MRS. MENKENS: Larvicide is like a vitamin supplement that's given in the morning, what happens is that the horse digests it and when the horse poohs whatever fly larvae they consumed is killed in it, killed in the manure so they can never, never gets to the larvae state and grow up to be an adult, if the fly lands on the manure and eats it they'll also die.

MS. LOCEY: Was that being done in September?

MRS. MENKENS: Yes.

MS. LOCEY: And it's still being done?

MRS. MENKENS: Yes.

MS. LOCEY: Yet there were a lot of complaints.

MRS. MENKENS: It was a very mild winter and the flies were not killed off like they normally are, it was a very wet season, we had a lot of construction going on so we were topsy turvy with everything and we had flies and we did the larvicide, I do the juice where we capture the flies, fly traps, I have fly spray and aerosol in the barn area. I also spray the horses for the flies, it was a bad year for flies and we had another mild winter, it's going to be another difficult summer for flies.

MS. LOCEY: Were you taking the manure off site last September?

MRS. MENKENS: No.

MR. MENKENS: We had taken, we had stored some and we

found somebody who was coming once a week to get it and when he stopped coming we had the trailer and we started taking it off site.

MR. LUNDSTROM: If I may ask one more question of counsel. Is there a reasonability consideration that should be brought into effect with the granting of any variances?

MR. KRIEGER: The word reasonability does not appear in the either the state or town statutes. However, I'm going to review in a second the criteria at least state's criteria for doing it, whether that can be fairly translated into reasonableness is something that each member is entitled to determine for his or herself but you must use the criteria that you must follow. One, whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of area variance. Two, whether the benefits sought by this applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. Three, whether the requested area variance is substantial. Four, whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district. And five, whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of an area variance. In passing, I might mention it's unlike a use variance in that regard which is not being applied for but in the case of a use variance finding of self-created hardship will defeat a use variance application. It's a relevant consideration here but not an automatic determinate.

MR. KANE: Also when you present your motion, I would like you to, we have two to do, one for the shed and we'll take a motion for that and then followed by a

motion for the horses. Okay, so there's two things here that we've got to cover.

MS. LOCEY: I will offer a motion on the application of Deborah Menkens regarding 35.1 foot front yard setback for an accessory building that it be granted at number 1 Sean Court in an R-1 zone subject to applicant's acknowledgement that it is over an easement and they're aware of any problems that might come from that and they're willing to accept that.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	NO
MR. LUNDSTROM	NO
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KAYE	AYE

MR. KANE: Shed passes 3 to 2. Next motion is?

MR. LUNDSTROM: According to Roberts Rules, the motion has to be in the affirmative, therefore, I will make a motion that the application by Deborah Menkens project number 07-05 request for two additional horses on the property at 1 Sean Court in an R-1 zone, section, block and lot, 52-1-79.1 be approved as presented.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	NO
MR. LUNDSTROM	NO
MS. LOCEY	AYE
MR. TORPEY	NO
MR. KANE	NO

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MR. KANE: Motion's denied four to one. Motion to adjourn.

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer



DEBORAH\_MENKENS\_(07-05)

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MR. KANE: Request for two additional horses on property, 35.1 foot front yard setback at 1 Sean Court.

Mr. and Mrs. Menkens appeared before the board for this proposal.

MR. KANE: Just give your name and address,

MRS. MENKENS: Deborah Menkens, 1 Sean Court, Rock Tavern.

MR. MENKENS: Lawrence Menkens, 1 Sean Court.

MR. LUNDSTROM: Your relationship to Deborah?

MR. MENKENS: Husband.

MS. LOCEY: Let the record be known that I am personally acquainted with Mr. Menkens, we grew up in the Town of Woodbury and he's a police officer there and was so when I was the Town Clerk there.

MR. KANE: Do you have any intention of making that a problem?

MS. LOCEY: No.

MRS. MENKENS: I'd like to bring Gallo and Georgio back home to 1 Sean Court.

MR. LUNDSTROM: For the record, the two names you gave us are those people or what?

MRS. MENKENS: Horses.

MR. LUNDSTROM: Just again for the record we need to know.

MRS. MENKENS: Georgio is a quarter horse and Gallo is a Friesian and currently at Holly Bush Farms in Salisbury Mills.

MR. KANE: And the 35.1 foot front yard setback is for?

MR. MENKENS: For a shed, a storage shed.

MS. GANN: How many horses do you have currently on the property?

MRS. MENKENS: Two.

MR. LUNDSTROM: So basically you're asking for is to increase the number of horses from two to four?

MRS. MENKENS: Yes.

MR. KANE: Okay and right now you're looking at a shade over 4 acres?

MRS. MENKENS: 4.159.

MR. KANE: Okay, my understanding with the horses is normally you're looking at about two acres per horse so for the public hearing I would like for you to address as to why you think that that can go on a smaller piece of property and they would be viable.

MR. MENKENS: That would be for grazing where we have, we buy hay and we bring 'em in so as not, they don't have to graze, depend on grazing.

MRS. MENKENS: They receive grain twice a day and they have free-for-all for hay, so we don't depend on the grass to grow to subsidize their food.

MR. KANE: And the need of four horses instead of two is going to be for strictly family use?

MRS. MENKENS: Yes.

MR. MENKENS: Yes.

MRS. MENKENS: Currently two of us can only ride at one time when normally there's four of us that ride at one time.

MS. GANN: This blue ribbon award is for the record what was the purpose of you putting it in here?

MRS. MENKENS: That's a certification from New York State that I received for best practices for managing the stable, there's certain standards I need to meet and continue working on in order to keep my certification for New York State hobby horse. There's more information in the back, the certification process.

MR. LUNDSTROM: You mentioned to this board that you want to increase the number of horses to four so your entire family can ride, does that mean you've got two children or how many children do you have?

MRS. MENKENS: I have two sons and my husband and myself.

MR. LUNDSTROM: So there's only four people in the family then?

MRS. MENKENS: Four living in the house, yes.

MR. KANE: And the shed you're proposing to put in front of the main building?

MR. MENKENS: The shed's there already, I put that up a few years ago.

MR. KANE: In front of the main house in the front yard?

MR. MENKENS: No, behind the house 35 feet off the private road.

MR. KANE: Mike, that 35.1 front yard setback is because it's on a corner lot with two roads? If it's behind the house--I'm not understanding why we need a front yard setback.

MRS. MENKENS: This is the shed we're talking about right now, this is our house.

MR. KANE: So it is in front of your house, projects closer to the road than your home?

MRS. MENKENS: Right.

MR. KANE: So you've got two front yards in New York State, that answers my question. With this road over here, Sean Court, that's considered in New York State that's a front yard and this is also a front yard, I just wanted to clarify why I was seeing front yard and you said it was behind, I wanted to make sure that's why it's there because it's on the side. Okay.

MR. LUNDSTROM: One question if I may. The character of the community of the neighborhood that you live in, what would you say is predominantly the character of the community?

MRS. MENKENS: Agricultural.

MR. LUNDSTROM: Mostly farmland, horses, agricultural, animals, pigs?

MRS. MENKENS: Not pigs. Horses, cows, chickens.

MR. LUNDSTROM: The neighborhood is predominantly horse farms?

MRS. MENKENS: Talking about Sean Court or the community?

MR. LUNDSTROM: The community?

MRS. MENKENS: Has horses, chickens and cows in the community.

MR. LUNDSTROM: About how many chickens, cows and horses would you say are within a mile of your home?

MR. MENKENS: Never took a count, never paid attention.

MR. LUNDSTROM: The board would find that interesting at the public hearing.

MRS. MENKENS: Excuse me?

MR. LUNDSTROM: I think this board would find that interesting information.

MRS. MENKENS: At the public hearing that kind of information will be provided.

MR. KANE: That's all we're asking.

MR. LUNDSTROM: What about residential, is there any residents in that neighborhood?

MR. MENKENS: Yes.

MRS. MENKENS: Yes, we're on a private street and we have four houses.

MR. LUNDSTROM: Other than the four houses you're saying the rest of the community is predominantly farms?

MRS. MENKENS: Agricultural.

MR. MENKENS: There's residences all the way around us.

MRS. MENKENS: Toleman Road is residents, to the right of me is horse farm, to the left of me there's chickens, in the back of Toleman Road behind the homes there's a cow farm.

MR. LUNDSTROM: Now again for the record to the right of you and to the left of you, where would that be, north, south, east and west?

MRS. MENKENS: To the south.

MR. MENKENS: Horses would be south.

MRS. MENKENS: West would be the cows. I also know to the north there's more horses then also I have Stewart buffer lands.

MR. LUNDSTROM: And the horses and cows and chickens are on the Stewart buffer land?

MRS. MENKENS: No, they're in the community.

MR. LUNDSTROM: Just trying to clarify the situation. You were saying that there are other horse farms in the area, how many horses are there in each farm?

MR. MENKENS: Don't know, don't pay attention to that.

MRS. MENKENS: If the other horse farm, if the owners choose come to the public meeting, they can verify how many horses they have.

MR. TORPEY: What he's trying to say will you fit in like how many houses down is the next set of fences?

MRS. MENKENS: Within 500 feet.

MR. TORPEY: What kind of property do they have?

MRS. MENKENS: They have 23 1/2 acres.

MR. KANE: One other thing to point out too that you realize that this is where the shed is right right there and you know that's on an AT&T easement?

MR. MENKENS: Yes.

MR. KANE: Have you had any complaints formally or informally about the shed?

MR. MENKENS: No.

MS. GANN: I have a question about the four horses, in your professional opinion because you obviously are in this profession, you know a lot about horses, would you say that there's enough room in the area for the four horses to roam, exercise and graze all in this area?

MRS. MENKENS: They don't graze.

MR. MENKENS: Yes, there's enough room for quarter horses.

MS. GANN: For exercise?

MRS. MENKENS: Yes, we have a riding arena and we have a round pen.

MS. GANN: How large is that?

MRS. MENKENS: The arena is 70 x 130 and the round pen is 60 foot round.

MR. LUNDSTROM: And you're saying the arena, is that, the horses are only going to be used for your personal family?

MR. MENKENS: Yes.

MRS. MENKENS: The arena, yes.

MR. LUNDSTROM: If you were to get the four horses, the four horses would only be used for your personal use?

MRS. MENKENS: Our personal use.

MR. TORPEY: You don't ride those horses there, you can go--

MR. MENKENS: We can trailer them wherever, we don't have to--

MRS. MENKENS: On the exterior of the fence my intention is to do a horse trail so we can trail around there, there's access to get to the buffer zones on Stewart and go on there.

MR. TORPEY: You can go down the road to 207.

MRS. MENKENS: Yes, we can go the back way because the farm next to us they have a path that goes to the buffer zone.

MR. TORPEY: Stewart?

MRS. MENKENS: Yes.

MR. LUNDSTROM: I'm not sure if it was clear before, one of the things I would find very helpful in reaching a decision at the public hearing is basically I guess a list of neighboring properties, the size of each property and how many and what types of animals they have on it as well as the neighboring properties that are residential.

MRS. MENKENS: Will that be my responsibility to research that?



MR. LUNDSTROM: Going to have to, yes.

MR. KANE: Any other questions from the board at this time?

MS. LOCEY: There's already an existing shed or something that you said is on an easement?

MR. KANE: Yes.

MS. LOCEY: So the proposal is to change the location of that?

MR. MENKENS: No, to leave it where it is.

MS. LOCEY: Whose easement is it?

MR. KANE: AT&T.

MR. KRIEGER: Maybe--

MS. LOCEY: Are they underground utilities?

MR. KRIEGER: Maybe it would be helpful cause the chairman asked me a question I think it would be helpful to the other members of the board whether the Zoning Board of Appeals was in power to grant a variance for something that's on an easement. The answer to that question is yes but the Zoning Board of Appeals has no power to effect that easement so, in other words, if I don't know what the easement provides but some easements provide for underground maintenance, if they have to come in and move what's there in order to get access, they can do it and they're under no obligation to replace what they remove. In this case of course that would render, that would eliminate the shed and would have an impact on the horses.

MR. MENKENS: The shed is a movable shed and dropped off a truck.

MS. LOCEY: So is the easement for the existing shed or you want to put a second one up?

MR. MENKENS: No, the shed is there.

MS. LOCEY: So you're just trying to now comply by getting a variance for something that's already there?

MR. MENKENS: Yes.

MR. KANE: To be perfectly honest up front, I have a little bit of an issue putting it where the easement is, if the shed is movable, I don't have a problem with the two front yards but on the easement I do, I just tend to stay away from this a little bit.

MR. MENKENS: We spoke to AT&T and they said just as long as they can remove it when they come in.

MR. KANE: For that, that would be something I'd like to see some kind of writing that AT&T doesn't have a problem, you have an agreement if they came in it would be--

MR. KRIEGER: Do you want to see the easement itself? Do you want me to look at the easement itself?

MR. KANE: That would be good.

MR. KRIEGER: Its terms will be contained within the document.

MR. LUNDSTROM: Can I ask the applicant if he'd put that chart up on the flip chart and show the rest of the board what the conversations have been? If you would just go over that?

MR. KANE: If you follow the T down from the stable in the gray area and see that black box that's the shed,

the easement it's dead center in the easement that runs straight up the property.

MR. MENKENS: I wouldn't say dead center.

MR. KANE: From the pictures.

MR. LUNDSTROM: The T that we see, what does the T represent?

MR. MENKENS: This is the easement for AT&T.

MS. GANN: The gray T?

MRS. MENKENS: That's the gravel path to the stable.

MR. LUNDSTROM: Just so that we align ourselves properly, the gray box to the left represents what?

MR. MENKENS: Our residence.

MRS. MENKENS: This is the house, this is where we're 75 feet off the property line, this is the electric fence this gray part goes around and this is a boxed off area, this is my drawing I've been playing around with it.

MR. LUNDSTROM: Now, you have an electric fence on the property also?

MRS. MENKENS: Yes, I have a permit for that, the animals are maintained 75 feet.

MR. LUNDSTROM: The gray area is just a fenced off area?

MRS. MENKENS: Yes, that's fenced off.

MR. LUNDSTROM: Then your residence is where?

MR. MENKENS: There.

MR. LUNDSTROM: Just for orientation, where is Riley Road, I'm sorry, Toleman Road?

MR. MENKENS: Right here.

MS. LOCEY: The house faces Toleman?

MR. LUNDSTROM: And the intersecting road is Sean Road?

MR. MENKENS: Sean Court.

MS. LOCEY: Which is a private road?

MR. MENKENS: Yes.

MR. LUNDSTROM: The item in the upper right-hand corner in yellow is what?

MRS. MENKENS: This is just a sketch of mine that I have been playing with, this is not the actual, that's the round pen but that's, if I had known I was going to show you the plan, Mike, do you have the plan, the new one?

MR. BABCOCK: No, this is the only one I have.

MR. LUNDSTROM: That's not a problem.

MRS. MENKENS: This is just something I'm playing with.

MR. KANE: For the public hearing just have something that's more exactly what it's supposed to be. I can't think of anything else. Just from the last time that we went through this and remembering the public portion of the meeting, you might want to be ready to address the, I'm trying to remember this, the fly situation, the drainage, the storm water, be ready to address all of that.

MRS. MENKENS: The flies, the smell, mosquitoes, horses, traffic, the property value.

MR. KANE: Right, you remember.

MS. LOCEY: The zoning law requires what is it two acres per horse?

MR. KANE: No, that's not the zoning law.

MRS. MENKENS: New York State Zoning Law is one horse per acre as long as I don't depend on the pastures to feed the horses. If I supplement their food then I can have one per acre.

MR. KANE: That's according to New York State Law, towns can make that more restrictive, not less restrictive.

MR. TORPEY: But you want four?

MRS. MENKENS: Four.

MR. KANE: Any other questions from the board at this time? I will accept a motion for a public hearing.

MS. LOCEY: I will offer the motion to schedule a public hearing on the application of Deborah Menkens for requested variances as listed on the February 26, 2007 agenda for the New Windsor Zoning Board of Appeals all at 1 Sean Court in an R-1 zone.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE

February 26, 2007

23

MR. TORPEY  
MR. KANE

AYE  
AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# DEBORAH MENKENS

# AFFIDAVIT OF SERVICE BY MAIL

**#07-05**

# X

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 23RD day of MARCH, 2007, I compared the 23 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

5<sup>th</sup> day of April, 2007

  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

March 5, 2007

Deborah Menkens  
1 Sean Court  
Rock Tavern, NY 12575

Re: 52-1-79.1      ZBA#: 07-05    (23)

Dear Ms. Menkens:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00 minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board



52-1-15  
JOSEPH JABLONSKI &  
THERESA CHEEVERS  
467 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-21  
JACK DECKER  
462 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-22  
HAROLD & ANA FOSSUM  
380 BREEZEWAY LN. NE  
PALM BAY, FL 32907

52-1-23  
RONALD SHIPMAN  
448 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-24  
ANGELA CABRI  
34-19 IRWIN AVE. APT.511  
BRONX, NY 10463

52-1-25.22  
LAMBERTUS & SUSAN ROOSJE  
415 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-26  
JEFFREY, ARTHUR, &  
SADIE LOBB  
436 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

52-1-44.3  
LINDA RAHL &  
ARTHUR NADAS  
502 BULL RD.  
ROCK TAVERN, NY 12575

52-1-75  
ROBERT H. &  
ROBERT J. SPARKS  
421 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-76  
JAMES SCHNEIDER  
425 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-77  
DENNIS & ROBYN MORGAN  
433 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-78.1  
JESSICA DIZZINE &  
KYLE COLEMAN  
439 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-78.21,78.22  
ANGELO &  
MICHELE SAKADELIS  
445 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-79.2  
DAVID STEELE &  
JOSERA GONZALEZ  
3 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-79.3  
BRETT & KARYN SMITH  
4 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-79.4  
TIMOTHY & IVANA SPINDLER  
2 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-80  
RAYMOND &  
KATHERINE BROWNE  
461 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-81  
LISA THOMAS  
453 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-107  
LESTER CLARK &  
HENRY VANLEEUEWEN  
400 BAMAR DR.  
STONY POINT, NY 10980

52-1-111.2  
RONALD & ALICIA HOUSTON  
4 ROOSJE LN  
ROCK TAVERN, NY 12575

52-5-18  
ROLLING ACRES FOX MEADOW, I.I.C  
3 JACKSON AVE.  
SPRING VALLEY, NY 10977

52-5-23  
SILVANO GRECH  
151-38 7<sup>TH</sup> AVE.  
WHITESTONE, NY 11357

52-5-24  
ARTHUR BEAL &  
ROBIN RITNOUR  
360 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 07-05**

**Request of DEBORAH MENKENS**

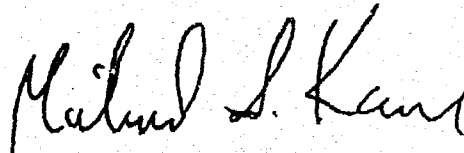
**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

**2 additional horses on property**  
**35.1 ft. front yard setback 300-11 (A)**

**at 1 Sean Court in an R-1 Zone (52-1-79.1)**

**PUBLIC HEARING will take place on APRIL 9<sup>TH</sup>, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



## **MEMORANDUM**

TO: Myra Mason, Planning Board Secretary  
FROM: Michael Blythe, Esq.  
DATE: March 21, 2007  
SUBJECT: Menkens

This matter is currently scheduled for a Public Hearing before the ZBA on April 9, 2007. Enclosed please find aerial map of the Menkens's property and its environs. Also enclosed are five (5) copies of a map provided to me by the Tax Assessor for the benefit of the ZBA members. The Assessor has identified the use for each of the various properties surrounding the Menkens's residence.

MDB

A handwritten signature, likely of Michael Blythe, written in ink and underlined.



RESULTS OF Z.B. MEETING OF: February 16, 2007

PROJECT: Debra Moxters

ZBA # 07-05

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) LO S) G VOTE: A 5 N 0

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_.

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_.

Address why you need less than two acres per horse. - Answered  
List of neighboring properties + size + what animals on there  
Need letter from AT+T and need copy of easement.  
Need current sketch of area.

February 26, 2007 Agenda



**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**

**#113-2007**

02/22/2007

Menkens, Lawrence  
1 Sean Court  
Rock Tavern, NY 12575

Received \$ 50.00 for Zoning Board Fees, on 02/22/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

CBA #07-05

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 02-21-07

FOR: ESCROW 07-05

FROM:

**Deborah Menkens**  
**1 Sean Court**  
**Rock Tavern, NY 12575**

CHECK FROM:  
SAME

CHECK NUMBER: 1589

TELEPHONE: 914-805-5843 CELL

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

John J. Tunney 2-22-07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

1-16-2007

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. Owner Information: Phone Number: 845 4963732  
Deborah Menkens Fax Number: ( )

(Name)  
1 Sean Court Rock Tavern NY 12575  
(Address)

II. Applicant: Same as above Phone Number: ( )  
(Name) Fax Number: ( )  
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ( )  
Fax Number: ( )  
(Name) Same as above  
(Address)

IV. Contractor/~~Engineer~~/Architect/Surveyor/: Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)

V. Property Information:  
Zone: R-1 NEW WINDSOR AG Orange County  
Property Address in Question: 1 Sean Court Rock Tavern  
Lot Size: 4.12 acres Tax Map Number: Section 52 Block 1 Lot 79.1  
a. What other zones lie within 500 feet? AG Orange County  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? 2003  
d. Has property been subdivided previously? NO If so, When:  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? YES  
f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.

Deborah - Cell Phone  
914-805-5843

COMPLETE THIS PAGE ☐

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

AEM, NYSHHAP,  
Orange County Soil + Water

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

23<sup>rd</sup> day of January 2007.

Deborah Menkens  
Owner's Signature (Notarized)  
Deborah Menkens

J. Gallagher  
Signature and Stamp of Notary

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6030024  
Qualified in Orange County  
Commission Expires 10/30/10

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

1/23/07



PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Deborah Menkens	2. PROJECT NAME Menkens' Hobby Horse Farm
3. PROJECT LOCATION Municipality New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1 Sean Court Rock Tavern NY 12575	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Add 2 more horses to property	
7. AMOUNT OF LAND AFFECTED: Initially 4.12 acres Ultimately 4.12 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Town will only allow 2 horses no matter how many acres.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Orange County Soil & Water has stated the above and AEM	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals Farm is NYSHHAP certified as of 11/2006	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Deborah Menkens Date: 1-16-07 Signature: Deborah Menkens	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p>C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <b>No</b>  <b>check Orange County Soil and Water, AEM and NYSH HAP.</b></p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  <b>No</b></p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  <b>Backyard is Certified National Wildlife Federation Backyard Habitat</b></p> <p>C4. A community's existing plans or goals as efficiently adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  <b>NO</b></p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  <b>NO</b></p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  <b>NO</b></p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  <b>NO</b></p>	
<p><b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p> <p><b>Just neighbors who want to control our lives.</b></p>	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p>	
<p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

See attached papers from  
Exclusively Egurne properties  
AEM—

NYSHHAP—

Orange County Soil and Water

This request in no way is detrimental  
to the health and safety of the neighborhood.  
If anything its been beneficial to my  
family

12x24 Shed closer to the road  
than the house.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

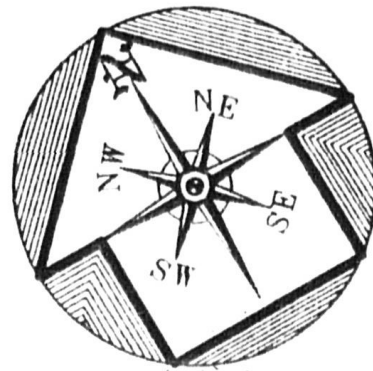
EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

**BEING:**

LOT 1 AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLAT FOR FOXWOOD ENTERPRISES LLC", FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON MAY 14, 2002 AS MAP #101-02.

ALSO BEING LOT 79.1, BLOCK 1, SECTION 5.2 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

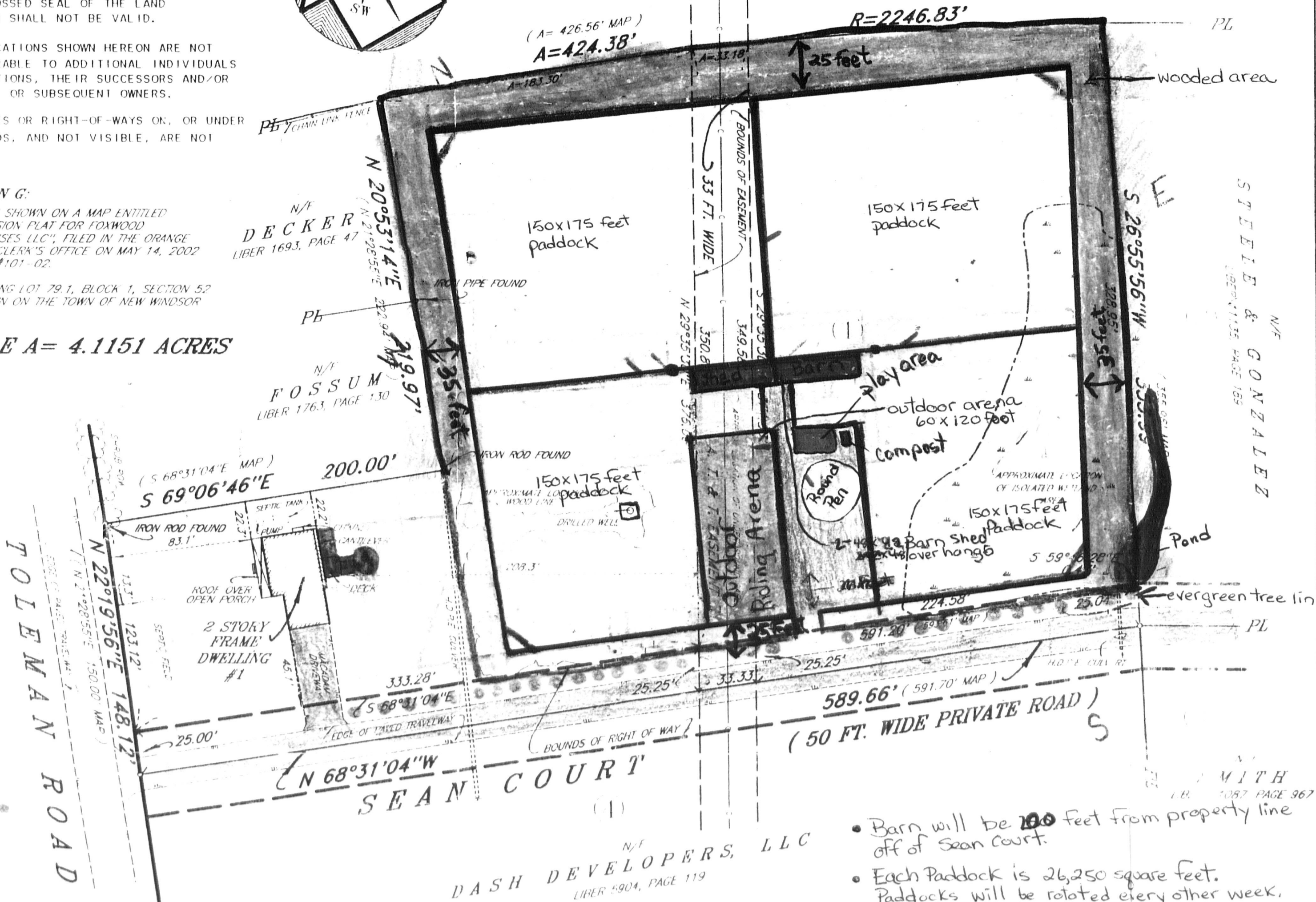
**AREA = 4.1151 ACRES**



N/T  
**KEAN**  
LIBER 1858, PAGE 432

(A = 426.56' MAP)  
**A = 424.38'**

**STEVEN P. DRABICK P.L.S., PC**  
PROFESSIONAL LAND SURVEYOR  
PO BOX 539  
CORNWALL, N.Y. 12518  
(845) - 694 - 2208



N/T  
**DASH DEVELOPERS, LLC**  
LIBER 5904, PAGE 119

- Barn will be ~~100~~ feet from property line off of Sean Court.
- Each Paddock is 26,250 square feet. Paddocks will be rotated every other week.

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 8/30/03 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

- LAWRENCE E. MENKENS & DEBORAH A. MENKENS,
- CHICAGO TITLE INSURANCE COMPANY,
- WELLS FARGO HOME MORTGAGE,
- ITS SUCCESSORS AND/OR ASSIGNS,
- TOWN OF NEW WINDSOR

*[Signature]*

STEVEN P. DRABICK, PLS NY L.C. H49806

**SURVEY OF PROPERTY**

FOR

**LAWRENCE E. & DEBORAH A. MENKENS**

TOWN OF NEW WINDSOR  
SCALE: 1" = 50'

ORANGE COUNTY, NEW YORK  
SEPTEMBER 28, 2003